

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1

**A RESOLUTION ACCEPTING THE BID OF HERITAGE FORD FOR FURNISHING ONE MINI VAN**

**WHEREAS, Resolution No. 88-841, adopted by the Council of the City of Modesto on November 8, 1988, approved the plans and specifications for the purchase of one mini van**

**and authorized the calling for bids; and**

**WHEREAS, the bids received for the furnishing of one mini van were opened at 3:00 p.m. on December 20, 1988, and later tabulated by the Director of Finance for the consideration of the Council; and**

**WHEREAS, the Director of Finance has recommended that the bid of Heritage Ford in the amount of \$14,133**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Heritage Ford in the amount of \$14,133 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of 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, McGrath, Muratore, Patterson, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Sutton**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-2

A RESOLUTION APPROVING A MULTI-HAZARD FUNCTION PLAN FOR THE CITY OF  
MODESTO'S EMERGENCY PLAN

WHEREAS, the Modesto Fire Department has requested the Modesto City Council formally adopt the Multi-Hazard Function Plan as the City of Modesto's Emergency Plan; and

WHEREAS, the Council deems it desirable to approve a Multi-Hazard Function Plan for the City of Modesto's Emergency Plan.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby approve a multi-hazard function plan for the City of Modesto, entitled "City of Modesto Multi-Hazard Functional Plan" on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1989, by Councilmember McGrath , who moved its 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-3

A RESOLUTION ADOPTING SORENSEN WAY AS THE OFFICIAL NAME FOR THE NEW T-HANGAR ACCESS ROAD AT THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING INSTALLATION OF NECESSARY STREET SIGNS.

WHEREAS, by unanimous vote at its meeting on December 14, 1988, the Airport Advisory Committee has recommended that the new T-Hangar access road at the Modesto City-County Airport should be officially named "Sorensen Way" in recognition of almost twenty years' service on the Airport Advisory Committee by James C. Sorensen, and

WHEREAS, said new T-Hangar access road at the Modesto City-County Airport is a limited access public road as shown on the diagram attached hereto, and

WHEREAS, the Stanislaus County Planning Department has found no existing conflict of the proposed name with existing street names and approves the proposed street name, and

WHEREAS, said matter was considered by the City Council on January 3, 1989, at the hour of 4:00 p.m., in the Council Chambers located at 801 11th Street in the City of Modesto, at which time and place it was found and determined that it is desirable to officially name the new T-Hangar access road at the Modesto City-County Airport as Sorensen Way.

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

1. That the name of the new T-Hangar access road at the Modesto City-County Airport be officially named "Sorensen Way".

2. That the Deputy Director of Public Works-Engineering is directed to order and erect street name signs accordingly.
3. That the City Clerk is directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy to the Board of Supervisors, the County Clerk, and the County Surveyor 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 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

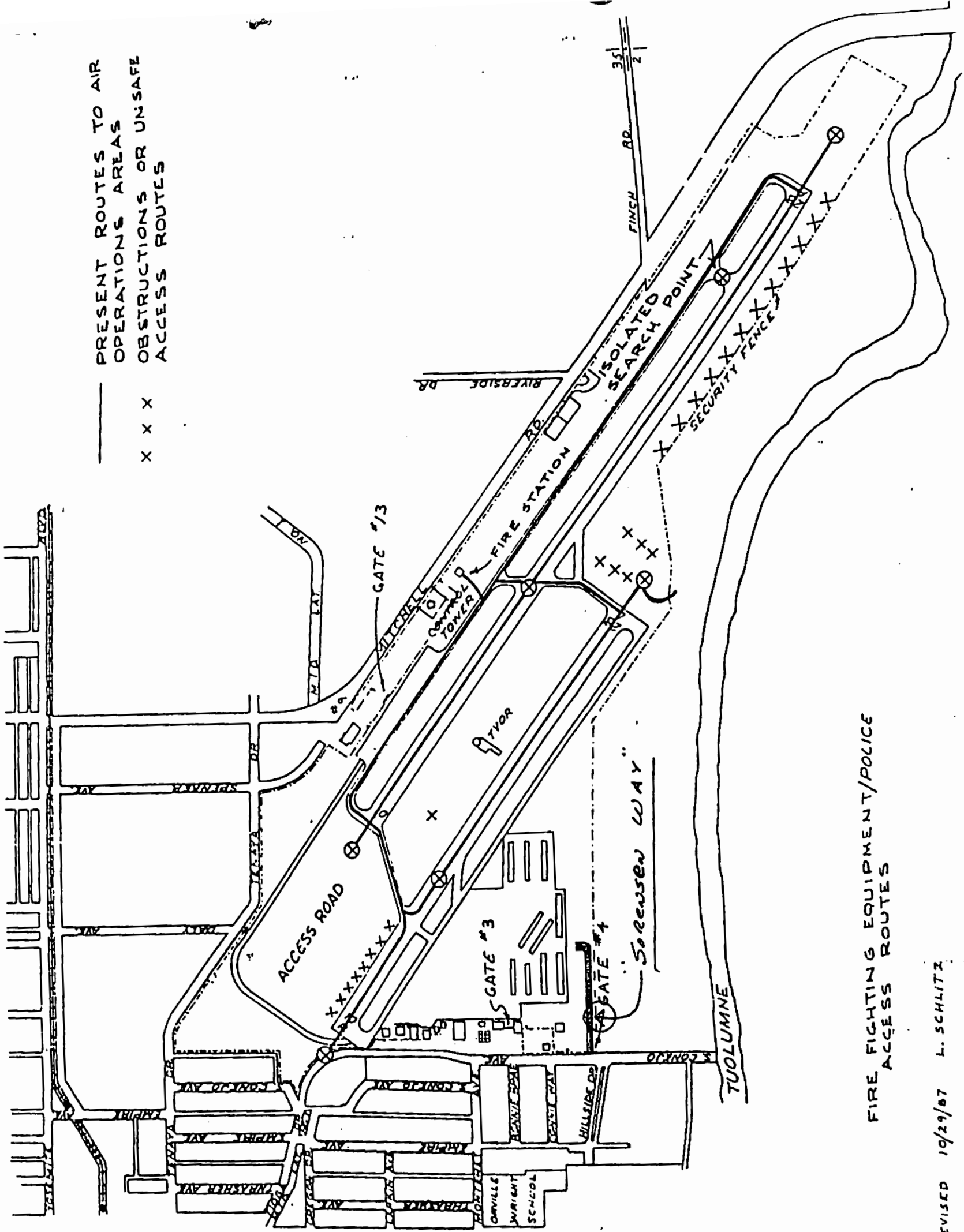
ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

— PRESENT ROUTES TO AIR  
 OPERATIONS AREAS  
 X X X OBSTRUCTIONS OR UNSAFE  
 ACCESS ROUTES



FIRE FIGHTING EQUIPMENT/POLICE  
ACCESS ROUTES

REVISED 10/29/07 L. SCHLITZ

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-4

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR COVERING THE ADJUSTMENT OF UTILITY COVERS ON HIGHWAY 108 BETWEEN ROSEBURG AND TOKAY (UTILITIES AGREEMENT 10Ut1968)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California for covering the adjustment of utility covers on Highway 108 between Roseburg and Tokay (Utilities Agreement 10Ut1968)

be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated 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 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-5

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT BY SUPER-INTENDENT OF STREETS ON THE COSTS OF PROJECT NO. 14, RESURFACING ALLEYS AT VARIOUS LOCATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 14, 1989, 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 Report by the Superintendent of Streets on the costs of Project No. 14, resurfacing alleys at various locations (list attached).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1989, by Councilmember McGrath, 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, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

CONSENT

11. Set hearing to consider approval of Report by Superintendent of Streets on the costs of Project No. 1<sup>d</sup>, resurfacing the following alleys:

Block 12952, Sheffield Lane-Windsor Lane / Sunrise Avenue-Rumble Road  
Block 808, Princeton Ave.-Trinity Ave. / Notre Dame-College Ave.  
Block 809, Princeton Ave.-Trinity Ave. / Notre Dame-Tully Road  
Block 934, Del Monte Ave.-Del Mar Ave. / Kearney Ave.-Del Rey Ave.  
Block 2028, Encina Ave.-Roble Ave. / Wilson Ave.-Santa Ana Ave.  
Block 1006, Morris Ave. / Grantland Court  
Block 6829, Northgate Dr.-Fleetwood Dr. / Dorrington Ct.-Ridgewood Ct.  
Block 210, Lane St.-Walden St. / Burney St.-James St.  
Block 549, Magnolia Ave.- Elmwood Ave. / Needham St.-Alice St.  
Block 816, Columbia Way-Mills Ave. / Carla Lane-Melinda Lane  
Block 2282, Colfax Avenue-Cloverdale Ave. - Roble Ave.-Haddon Ave.  
Block 6020, Maplewood Dr.-Cherrywood Dr. / Westland Dr.-Del Vale Ave.  
Block 6041, Orangeburg Avenue.-Oakwood Dr. / Del Vale Ave.-Kearney Ave.  
Block 6629, Theo Ave-Kingsbury Ave. / Hemminger Way-Uhlig Ave.  
Block 6824, Northgate Dr.-Northwood Dr. / Kirwood Ave.-Sherwood Ave.  
Block 6922, Floyd Avenue-Bruce Avenue / Jasmin Avenue-Dana Lane  
Block 6140, Concord Avenue-Albany Avenue / Woodman Way-Granger Avenue  
Block 466, College Avenue-Myrtle Avenue / Morris Avenue-Coldwell Avenue  
Block 810, Tully Road-Notre Dame Ave. / Princeton Ave.-Fordham Avenue  
Block 2263, Miller Avenue-Glendale Avenue / Parry Avenue-El Vista Avenue  
Block 6622, Schulenburg Avenue-Theo Avenue / Hemminger Way-Uhlig Avenue

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-6

A RESOLUTION APPROVING A GRANT PROGRAM FOR PUBLIC ACCESS  
CABLE PROGRAMMING AND APPROVING THE PROPOSED GRANT  
GUIDELINES.

WHEREAS, the Local Programming Advisory Committee is requesting approval of a grant program for public access cable programming whereby people will apply to the City for money to produce local television programs, and

WHEREAS, the City would use a small portion of the funds it collects from the cable television franchise to pay for these grants, and

WHEREAS, Channel 5 is the public access channel, designated for use by the general public or nonprofit entities, and

WHEREAS, Channel 5 carries little actual programming at this time and is typically filled with public service announcements, and

WHEREAS, the purpose of the grant program is to stimulate the production of local programming on our cable television system, and

WHEREAS, the Local Programming Advisory Committee met with the Council Cable Committee on December 14, 1988, and the Council Cable Committee is supportive of this proposal, and

WHEREAS, the Local Programming Advisory Committee requests that in addition to approving the grant program for public access cable programming, that the Council approve the proposed grant guidelines which are attached to this resolution as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the grant program for public access cable programming and that it approves the proposed grant guidelines which are attached hereto as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CABLE TELEVISION PUBLIC ACCESS  
GRANT GUIDELINES

The City of Modesto solicits proposals from individuals and organizations to produce original programs for the public access channel on cable television. The goal of this grant program is to encourage the development of both local programming and local innovative uses of the cable television system. These grants will be awarded four times a year.

INDIVIDUALS

1. Preferably should reside or work within the City and County Post-Newsweek franchise areas.

ORGANIZATIONS

1. Must be a nonprofit corporation or unincorporated association and must provide proof of nonprofit status (unless applying under the General Benefit Grants category).
2. Must service the greater Modesto area.

GRANT CATEGORIES

All grants must fall into one of the following grant categories:

1. Mini-grants: Eligible for up to \$150. This category is for projects that cannot be planned out very far in advance and/or do not fit into the other grant categories.
2. Single Access Programs: Eligible for up to \$1,500. First-time grant applicants are encouraged to apply for grants in this category.
3. Access Series (two to eight programs): Eligible for up to \$500 per program.
4. Cable Demonstration Projects: Only organizations are eligible in this category, and any one grant can use no more than one quarter of that year's funds. This category is for projects that utilize the cable television system in innovative ways (not necessarily resulting in edited programs). Examples of projects in this category might include two-way closed-circuit projects, computer uses of cable projects, etc.
5. General Benefit Grants: To purchase items of use to all access users. However, no items shall be purchased that Post-Newsweek is already required to provide under the terms of its franchise with the City.

## GRANT EVALUATION CRITERIA

The following criteria will be used in evaluating grant applications.

1. Benefit to the community as a whole.
2. Demonstration of the need for a grant.
3. Represent a community need not currently met.
4. Potential to attract viewing audience.
5. Level of creativity and interest.

## GRANT APPLICATION PROCESS

1. The applicant must submit twelve (12) copies of the attached grant application.
2. Proposals must be received in the City Manager's office no later than 4:00 p.m. on April 3, July 5, October 2 of 1989, and January 5 of 1990.
3. All grant proposals must be typed.
4. Upon receipt of grant applications, the City of Modesto Local Programming Committee shall review applications and make recommendations to the City Council.
5. Once the City Council approves a grant application, applicant will receive written notice along with a contract which must be signed and returned within 15 days. No grant monies will be awarded until signed contracts have been returned to the City.
6. Grant recipients will receive funds as follows:
  - one-third upon completion of scripting
  - one-third upon completion of shooting
  - one third upon delivery of final edited master to Post-Newsweek
7. If after payment of the first third of the grant for scripting, the recipient withdraws from the project or fails to complete shooting within the project timetable, the script and all raw tape shall become the property of the City.

If after receipt of the second payment for completion of shooting, the recipient withdraws from the project or fails to deliver a final edited master to Post-Newsweek, the script and all raw and edited tape shall become the property of the City.
8. If a grant project is going to extend beyond the original completion date projected in the timeline, the applicant must receive permission to extend the grant from the Local Programming Committee.
9. The City Manager or designee may terminate grants at any time upon providing the grantee with written notice.

## EQUIPMENT AND VIDEOTAPE

1. All grant recipients planning to use Post-Newsweek's production, post-production or studio equipment must go through the appropriate training workshop(s) and/or be certified by Post-Newsweek.
2. Grant recipients will not be permitted to purchase equipment with grant funds; however, the rental of equipment (with sufficient justification--see Budget Form) will be allowed.
3. Grant recipients shall utilize 3/4" tape and equipment.

## COMPLETION OF PROJECT

In order to receive final payment, grant recipients must:

1. Provide Post-Newsweek with one copy of the final edited master(s) of all tape(s) produced with grant funds. EDITED MASTERS MUST BE OF CABLECAST QUALITY (to be determined by Post-Newsweek), OR RECIPIENT FORFEITS FINAL PAYMENT. Recipients of those Cable Demonstration Project grants that produce no edited masters must provide a representative sample of raw project tapes.

## COPYRIGHT AND USE OF FINISHED TAPES

1. Use of copyrighted material in any program(s) produced shall be only with all necessary authorization/permission.
2. The grant recipient will retain copyright of all finished programs.
3. Notwithstanding the above, if recipient generates income from subsequent sale, lease or other use of the tape(s), recipient shall pay City twenty-five (25) percent of all such income until the City grant is reimbursed.
4. All Single Access Program and Access Series grant recipients must furnish one copy of all edited master tape(s) to Post-Newsweek for unlimited showings. The Local Programming Committee reserves the right to copy tape(s) for non-income generating use without the payment of royalties.

CITY OF MODESTO  
LOCAL PROGRAMMING GRANT APPLICATION

INSTRUCTIONS:

Complete all sections after carefully reading guidelines. PLEASE TYPE--HANDWRITTEN COPIES CANNOT BE ACCEPTED. Applications will not be considered if all sections are not completed. Please submit 12 copies of grant application to the City Manager's Office at City Hall, 801 11th Street, Modesto, CA 95354.

Date: \_\_\_\_\_

I. APPLICANT (Check one) Individual\_\_\_\_ Organization\_\_\_\_

(NOTE: If organizational applicant, checks will be made payable to the organization unless otherwise specified by applicant.)

Project Director/Producer Name:\_\_\_\_\_

Organization (if applicable):\_\_\_\_\_

Proposed Project Title:\_\_\_\_\_

Address:\_\_\_\_\_

City:\_\_\_\_\_ Zip:\_\_\_\_\_

Daytime Phone:\_\_\_\_\_ Evening Phone:\_\_\_\_\_

Grant Category (Check one):

Mini-Grant:\_\_\_\_\_

Single Access Program:\_\_\_\_\_

Series (two or more programs):\_\_\_\_\_

Cable Demonstration Project:\_\_\_\_\_

General Benefit Grant:\_\_\_\_\_

## II. PROJECT DESCRIPTION

Please use this space to provide a full narrative description of your project. Be sure to include:

1. A thorough outline of the program(s) proposed.
2. How and where project will be done (e.g., in the studio, in the field, whose studio, whose field, etc.).
3. Why the project is valuable specifically for the Modesto area.
4. Who the project's intended audience or beneficiaries are.
5. Any plans for publicity, distribution or viewing by a smaller target audience, as applicable.

Attach additional page(s) if necessary.

### III. PROGRAMMING EXPERIENCE

Please describe your programming experience. If you have no previous experience producing for video/cable, identify the production expertise that will be brought to the project. Be as specific as you can, and attach resume(s) and/or sample tape if available.

IV. TIMETABLE

Please give a detailed, realistic project timetable from planning through completion of project. Include project start and completion dates. If possible, phase timetable in terms of scripting, shooting and delivery of final edited master.

V. PROOF OF NONPROFIT STATUS

For organizational applicants, attach proof of nonprofit status.

VI. LETTERS OF SUPPORT (Preferable)

Please attach any appropriate letters of support from participating or benefiting organizations or groups.

VII. PROJECT BUDGET

Personnel (artists/speaker/technical consultants/etc.)

1. Please note: Grants are for the support of public access programming. Public access productions are traditionally done on a non-salaried basis; therefore, the City closely scrutinizes personnel costs and professional-level salaries are discouraged. Please attach a detailed justification for each personnel cost.

<u>Name</u>	<u>Title</u>	<u>Amount</u>

Justification

2. Supplies and Materials

A. Production Supplies (Graphics, photography, set construction materials, etc.)

Amount

---

---

---

---

---

---

---

---

---

---

B. Video Tapes

Number Needed

Amount

---

---

---

---

---

---

3. Advertising/Promotion (If applicable)

Amount


4. Equipment Rental. A justification of each item MUST BE ATTACHED (why you need equipment, length of rental, etc.). NOTE: Equipment purchase is not permitted with grant monies.

Item

Amount


Are you planning to use Post-Newsweek's public access equipment/facilities? Yes\_\_\_\_ No\_\_\_\_

If "yes," and you have not gone through a public access production workshop, please contact Post Newsweek.

If Post-Newsweek is providing production staff, please attach letter of support from the company.

5. Other Production Expenses

Amount

---

---

SUMMARY OF ESTIMATED COSTS  
(Add totals from Items 1-5)

Amount

1. Personnel

2. Supplies and Materials

3. Advertising/Promotion

4. Equipment

5. Other Production Expenses

TOTAL AMOUNT Requested from City:

\$ \_\_\_\_\_

I hereby certify that the information submitted in this grant application is true and correct.

\_\_\_\_\_  
Applicant's Signature

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-7

A RESOLUTION APPROVING THE REQUEST OF W.H. BREASHERS FOR REFUND OF \$684.83 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of W.H. Breashers for a refund of \$684.83 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 3rd 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-8

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE MODESTO AIRPORT ADVISORY COMMITTEE  
(JIM SORENSEN)

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

SECTION 1. The following person is hereby appointed to the Airport  
Advisory Committee for the respective term as indicated:

Jim Sorensen  
Term to expire 1/1/93

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 3rd day of January , 19 89 ,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-9

RE-  
A RESOLUTION/APPOINTING MEMBERS OF THE BOARD OF BUILDING APPEALS  
(ROBERT DEGRASSE AND SHERRE WONG)

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 Building Appeals for the respective term as indicated:

Sherre Wong  
Robert DeGrasse  
Terms to expire 1/1/93

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Building Appeals and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1989, 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, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-10

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(RAYMOND FELLER)

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:

Raymond Feller  
Term to expire 1/1/93

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 3rd day of January, 1989, 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, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-10

RE-  
A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(RAYMOND FELLER)

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:

Raymond Feller  
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 3rd day of January, 1989, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-11

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE CULTURE COMMISSION (ROGER SCHRIMP)

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:

Roger Schrimp  
Term to expire 1/1/93

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 3rd day of January , 19 89 ,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-12

RE-  
A RESOLUTION/ APPOINTING MEMBER OF THE D.I.D. ADVISORY BOARD (DENNIS WILSON)

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 D.I.D. Advisory Board for the respective term as indicated:

Dennis Wilson  
Term to expire 1/1/93

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the D.I.D. 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 3rd day of January, 1989, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-13**

**A RESOLUTION APPOINTING MEMBER OF THE D.I.D. ADVISORY BOARD (NORMA REED)**

**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 D.I.D. Advisory Board for the respective term as indicated:**

Norma Reed

Term to expire 3/28/91

**SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the D.I.D. 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 3rd day of January, 1989, by Councilmember McGrath, 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>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Sutton

**ATTEST:**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-14

RE-  
A RESOLUTION /APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION  
(JERRY MATSUNAGA)

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:

Jerry Matsunaga  
Term to expire 1/1/93

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of January, 19<sup>89</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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-15

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE  
(KAMRUDDIN SHAMS)

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

SECTION 1. The following person is hereby appointed to the  
International Friendship Committee for the respective term as indicated:

Kamruddin Shams

Term to expire 1/1/93

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member 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 3rd day of January , 1989 ,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-16

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE LOCAL CABLE PROGRAMMING COMMITTEE  
(HARRY BAKKER)

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

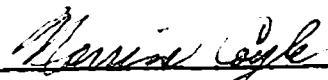
SECTION 1. The following person is hereby appointed to the Local  
Cable Programming Committee for the respective term as indicated:

Harry Bakker  
Term to expire 1/1/93

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member 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 3rd day of January, 1989,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-17

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE OF THE PLANNING COMMISSION (JAN SMITH)

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:

Jan Smith

Term to expire 1/1/93

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 3rd day of January, 19 89, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-18

RE-  
A RESOLUTION /APPOINTING MEMBER OF THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT  
COMMITTEE - SEAT #10 (WILLIAM COVEY)

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  
& Community Development Committee for the respective term as indicated:

William Covey  
Term to expire 6/30/92

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member of the Citizens Housing &  
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 3rd day of January , 19 89 ,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-19

A RESOLUTION DENYING THE APPEAL OF DAVID H. PAYNTER, PAYNTER-WILLSEY PROPERTIES, TO A DECISION OF THE PLANNING COMMISSION CONCERNING A CONDITION IMPOSED ON A TENTATIVE PARCEL MAP, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, the tentative parcel map of property at the southeast corner of McHenry Avenue and Sylvan Avenue was filed in the office of the Secretary of the Planning Commission on October 17, 1988, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative parcel map were sent to the Modesto Irrigation District, the local utility companies, and the City Engineering Services, and

WHEREAS, city services, including sanitary sewer and water facilities, are available, and

WHEREAS, a public hearing was held by the Planning Commission on December 5, 1988, 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 tentative parcel map of property at the southeast corner of McHenry Avenue and Sylvan Avenue, filed in the office of the Secretary of the Planning Commission on October 17, 1988, should be granted for the reasons set forth in Planning Commission Resolution No. 88-136, and quoted below:

1. That the proposed parcel 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 parcel map 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 the construction of improvements along the Sylvan Avenue frontage of the property is necessary by not later than December 5, 1990, for the following reasons:
  - a. The public health and safety.
  - b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
4. The proposed parcel map is an implementation step of approved P-D(459) for commercial development. The development P-D(459) will probably result in the development of a third eastbound lane on Sylvan Avenue and prohibit on-street parking. This in turn will require traffic for the property at 204 Sylvan Avenue owned by Coy and Deolinda Austin to back out onto Sylvan Avenue and create a traffic safety problem. The said traffic problem can be addressed with a shared parking and access with the Austin property.

and

WHEREAS, an appeal to the decision of the Planning Commission was filed by David H. Paynter, Paynter-Willsey Properties to a decision of the Planning Commission concerning Condition No. 14 requiring an access and parking agreement imposed on a tentative parcel map, property located at the southeast corner of McHenry and Sylvan Avenues, and

WHEREAS, said appeal was set for public hearing before the City Council 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 January 10, 1989, and

WHEREAS, at said meeting, after hearing 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 concerning Condition No. 14 requiring an access and parking agreement imposed on a tentative parcel map, property located at the southeast corner of McHenry and Sylvan Avenues, should be denied, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the appeal of David H. Paynter, Paynter-Willsey Properties, to a Planning Commission decision concerning Condition No. 14 requiring an access and parking agreement imposed on a tentative parcel map, property located at the southeast corner of McHenry and Sylvan Avenues is hereby denied for the reason set forth below, and the decision of the Planning Commission is hereby affirmed:

The proposed parcel map is an implementation step of approved P-D(459) for commercial development. The development P-D(459) will probably result in the development of a third eastbound lane on Sylvan Avenue and prohibit on-street parking. This in turn will require traffic for the property at 204 Sylvan Avenue owned by Coy and Deolinda Austin to back out onto Sylvan Avenue and create a traffic safety problem. The said traffic problem can be addressed with a shared parking and access with the Austin property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Muratore

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. 89-20

**A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING, INC. FOR THE REPAIR AND RECOATING OF DIGESTER NO. 1 AT THE WATER QUALITY CONTROL PLANT**

**WHEREAS, Resolution No. 88-816, adopted by the Council of the City of Modesto on November 1, 1988, approved the plans and specifications for the repair and recoating of Digester No. 1 at the Water Quality Control Plant and authorized the calling for bids; and**

**WHEREAS, the bids received for the repair and recoating of Digester No. 1 at the Water Quality Control Plant**

**were opened at 11:00 a.m. on November 29, 1988, and later tabulated by the Director of Engineering for the consideration of the Council; and**

**WHEREAS, the Director of Engineering has recommended that the bid of Sancon Engineering, Inc. in the amount of \$315,924.90 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sancon Engineering, Inc. in the amount of \$315,924.90 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 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

ATTEST: 

**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-21

**A RESOLUTION ACCEPTING THE BID OF H.V. CARTER COMPANY FOR FURNISHING TWO BASEBALL DIAMOND DRESSERS**

**WHEREAS, Resolution No. 88-794, adopted by the Council of the City of Modesto on October 25, 1988, approved the plans and specifications for the purchase of two baseball diamond dressers and authorized the calling for bids; and**

**WHEREAS, the bids received for the furnishing of two baseball diamond dressers**

**were opened at 3:15 p.m. on November 22, 1988, 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 \$15,519 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 \$15,519 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 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-22

**A RESOLUTION ACCEPTING THE BID OF WYTEC INFORMATION SYSTEMS FOR FURNISHING ONE MICROFILM PROCESSOR**

**WHEREAS, Resolution No. 88-869, adopted by the Council of the City of Modesto on November 15, 1988 , approved the plans and specifications for the purchase of one microfilm processor**

**and authorized the calling for bids; and**

**WHEREAS, the bids received for the furnishing of one microfilm processor were opened at 3:15 p.m. on December 6, 1988 , 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 Wytec Information Systems in the amount of \$6,294 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wytec Information Systems in the amount of \$6,294 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 10th day of January , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-23

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

WHEREAS, the Fire Department and the Parking and Traffic Division have requested the purchase of Apple computer equipment to be used in conjunction with their existing Apple system; and

WHEREAS, Apple Computer, Inc. is the local authorized dealer for the Apple Computer system.

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 Apple Computer, Inc. for the total price of \$25,525, 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-24

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF ONE SEDAN THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Fire Department is requesting the purchase of one sedan to replace the sedan currently in service; 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 one sedan is hereby waived.

BE IT FURTHER RESOLVED that purchase of one sedan through the State of California Cooperative Purchasing Program for the total price of \$15,882, 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-25

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF SIX POLICE PATROL CARS THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department is requesting six police patrol cars because of a need for expanded police patrol; and

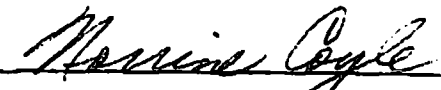
WHEREAS, the City has used the State's Cooperative Purchasing Program because the State purchases in such large numbers they can extend the savings to public agencies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of six police patrol cars is hereby waived.

BE IT FURTHER RESOLVED that purchase of six police patrol cars through the State of California Cooperative Purchasing Program for the total price of \$132,774.00 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.89-25A

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO TO APPROPRIATE FUNDS FOR THE PURCHASE OF SIX POLICE VEHICLES AND RELATED EQUIPMENT FROM THE CAPITAL FACILITY FEE POLICE FUND.

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1988-89 to finance the purchase of six police vehicles and related equipment from the Capital Facility Fee Police Fund, and

WHEREAS, a decrease in a current project and a transfer from the contingency reserve are required to provide the required financing,

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 1988-89:

<u>Fund/Agy/Org/Object</u> <u>Expenditures</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
131/190/P535/6000	Police Garage Land Acquisition	(100,000)
131/190/P239/6000	Police Vehicles & related equipment (6)	132,774
131/800/8000/8003	Contingency Reserve	(32,774)

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 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-26

A RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO CITY SCHOOLS TO DESIGN AND CONSTRUCT A HOUSE AT DOWNEY HIGH SCHOOL TO BE USED AS A CARETAKER UNIT IN CONJUNCTION WITH THE MCCLURE HOUSE IN THE DRY CREEK REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto City Schools to design and construct a house at Downey High School to be used as a caretaker unit in conjunction with the McClure House in the Dry Creek 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 10th day of January, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-27

A RESOLUTION WAIVING BUILDING PERMIT AND INFRASTRUCTURE FEES RELATING TO AN AGREEMENT WITH MODESTO CITY SCHOOL DISTRICT FOR CONSTRUCTION OF A CARETAKER HOUSE ADJACENT TO THE MC CLURE HOUSE IN THE DRY CREEK REGIONAL PARK.

WHEREAS, in connection with the development of the Dry Creek Regional Park, the City of Modesto plans to build a caretaker house to be located adjacent to the McClure house, and

WHEREAS, the City of Modesto and the Modesto City School District have entered into an agreement dated January 10, 1989, to provide for construction of the caretaker house, which house would be constructed at Downey High School and upon completion the City of Modesto would then have it moved to its permanent location which would be adjacent to the McClure house in the Dry Creek Regional Park, and

WHEREAS, said agreement provides that the caretaker house shall be designed and constructed through the Modesto City School District's Regional Occupational Program, and

WHEREAS, City staff has recommended that building permit and infrastructure fees relating to this project should be waived for the reasons set forth in the report directed to the Executive Director dated December 29, 1988, a copy of which report is on file in the Office of the City Clerk, and

WHEREAS, at its meeting held on January 10, 1989, the City Council considered waiving the building permit and infrastructure fees as recommended by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby waives the building permit and infrastructure fees for construction of a caretaker house adjacent to the McClure house in the Dry Creek Regional Park, which house shall be designed and constructed through the Modesto City School District's Regional Occupational Program as agreed to pursuant to the agreement referred to above between the City of Modesto and 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 10th day of January, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-28

A RESOLUTION WAIVING BUILDING PERMIT AND INFRASTRUCTURE FEES RELATING TO AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT FOR CONSTRUCTION OF A DUPLEX TO BE LOCATED ON CITY-OWNED PROPERTY AT THE NORTHWEST CORNER OF BRIGHTON AVENUE AND LOCKE ROAD.

WHEREAS, under state law, the Redevelopment Agency of the City of Modesto is obligated to replace two dwelling units which the Agency removed in connection with development of the Lincoln School site for the Westar Shopping Center, and

WHEREAS, to satisfy state law requirements for replacing two dwelling units, the Redevelopment Agency of the City of Modesto and the Modesto City School District have entered into an agreement dated January 10, 1989, to provide for construction of a duplex to be located on City-owned property at the northwest corner of Brighton Avenue and Locke Road, and

WHEREAS, said agreement provides that the duplex shall be designed and constructed through the Modesto City School District's Regional Occupational Program, and

WHEREAS, City staff has recommended that building permit and infrastructure fees relating to this project should be waived for the reasons set forth in the report directed to the Executive Director dated December 29, 1988, a copy of which report is on file in the Office of the City Clerk, and

WHEREAS, at its meeting held on January 10, 1989, the City Council considered waiving the building permit and infrastructure fees as recommended by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby waives the building permit and infrastructure fees for construction of a duplex to be located on City-owned property at the northwest corner of Brighton Avenue and Locke Road, which duplex shall be designed and constructed through the Modesto City School District's Regional Occupational Program as agreed to pursuant to the agreement referred to above between the Redevelopment Agency of the City of Modesto and 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 10th day of January, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-29

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO TO TRANSFER FUNDS FROM FUND 130 TO FUND 150 IN ORDER TO CONSOLIDATE TWO CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, it is necessary to provide additional funding for the construction of the McClure caretaker unit, now appropriated in Fund 150, and

WHEREAS, a related project appropriated in Fund 130, Movement of the Simms House to McClure Property, is no longer necessary and therefore provides the required additional funding source,

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 1988-89:

<u>Fund/Agcy/Org/Object</u> <u>Expenditures</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
130/310/P497/6000	Simm's House-Move to McClure	(18,000)
130/700/7000/7150	Transfer out to Fund 150	18,000
150/310/P169/6000	Caretaker Unit-McClure Property	18,000
<u>Revenues</u>		
150/700/7000/9130	Transfer in from Fund 150	18,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-30

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES B. AND CHAPLENE M. SMITH FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 205 CRATER AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles B. and Charlene M. Smith for water service to property outside City limits at 205 Crater Avenue, located on the north side of Crater Avenue between Cascade Avenue and 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 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-31

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE R. AND PAMELA A. SPEARS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 204 GLACIER AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Dave R and Pamela A. Spears for water service to property outside City limits at 204 Glacier Avenue, located on the south side of Glacier Avenue between Crystal Avenue and Cascade 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-32

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES W. AND DONNA J. THAYER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1709 SHADDOX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and James H. and Donna J. Thayer for water service to property outside City limits at 1709 Shaddox Avenue, located on the south side of Shaddox Avenue between Watts Avenue and Seneca Place be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Merrin Coyle*

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-33

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID T. AND JULIE LAWRENCE FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1713 SHADDOX AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and David T. and Julie Lawrence for water service to property outside City limits at 1713 Shaddox Avenue, located on the south side of Shaddox Avenue between Watts Avenue and Seneca Place be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-34

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER AMENDMENTS, ADDITIONS AND DELETIONS TO THE ZONING REGULATIONS (OMNI XI)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 24, 1989, 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 amendments, additions and deletions to the Zoning Regulations (Omni XI).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-35

A RESOLUTION APPROVING A GRANT AMENDMENT FROM THE STATE WATER RESOURCES CONTROL BOARD TO DECREASE THE STEP 1 GRANT ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the grant from the State Water Resources Control Board to decrease the Step 1 grant on the Wastewater Treatment Plant Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant amendment by the designated 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 January, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-36

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
BENCH CRAFT COMPANY FOR THE PROVISION OF TEE MARKERS AT DRYDEN GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Bench Craft  
Company for the provision of tee markers at Dryden 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 10th day of  
January, 1989, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member McGrath, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-37

A RESOLUTION APPROVING THE LOCAL AGENCY FORMATION COMMISSION  
"CITY ANNEXATION QUESTIONNAIRE" FOR KANSAS/CARPENTER REORGANIZATION

BE IT RESOLVED by the Council of the City of Modesto that  
the attached Local Agency Formation Commission "City Annexation  
Questionnaire" for Kansas/Carpenter 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 10th  
day of January, 19 89, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by  
Councilmember McGrath, was upon roll call carried and  
the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Kansas Carpenter

3. Can the City provide complete City Services to the reorganization area if the proposal is approved?

Yes

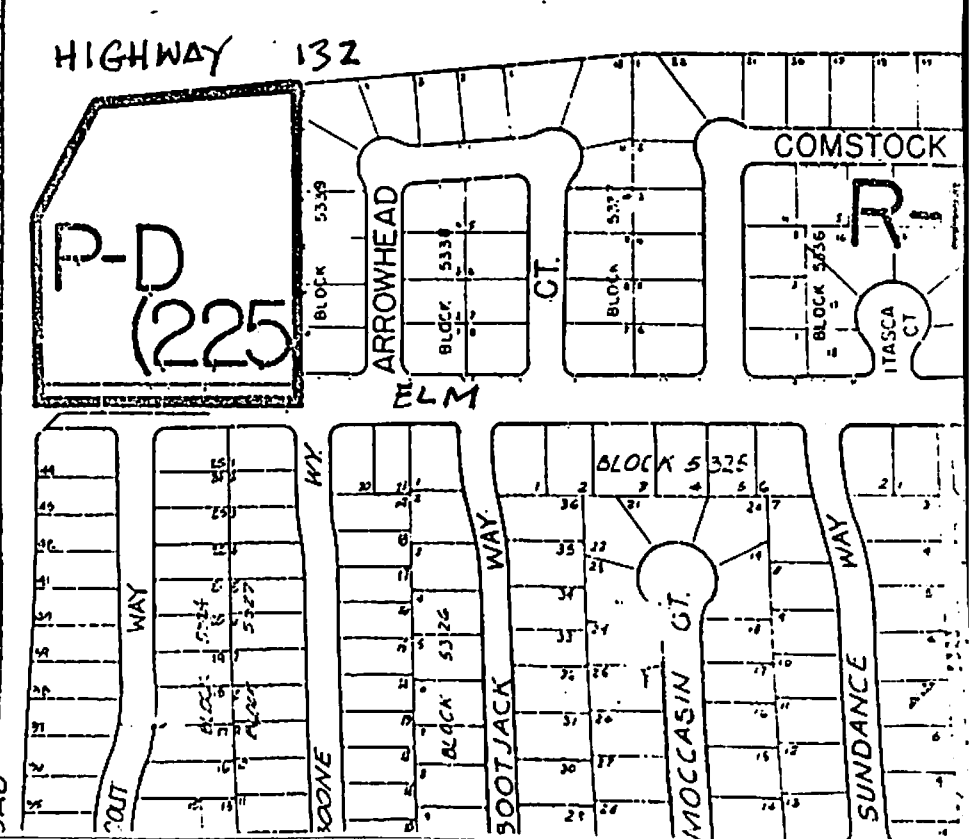
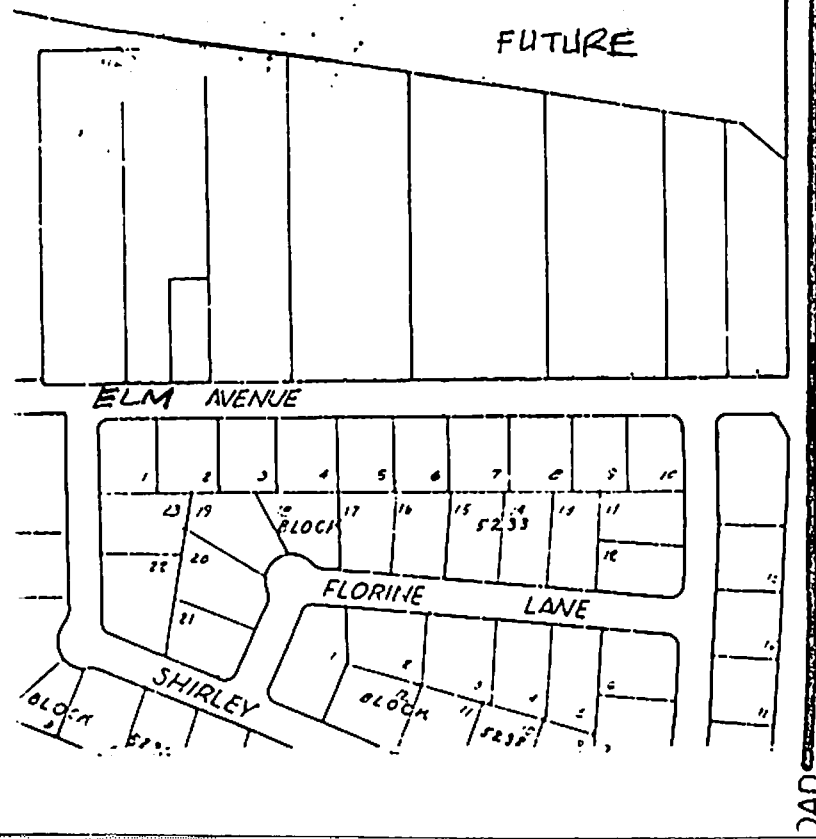
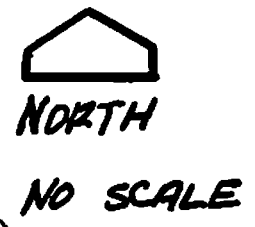
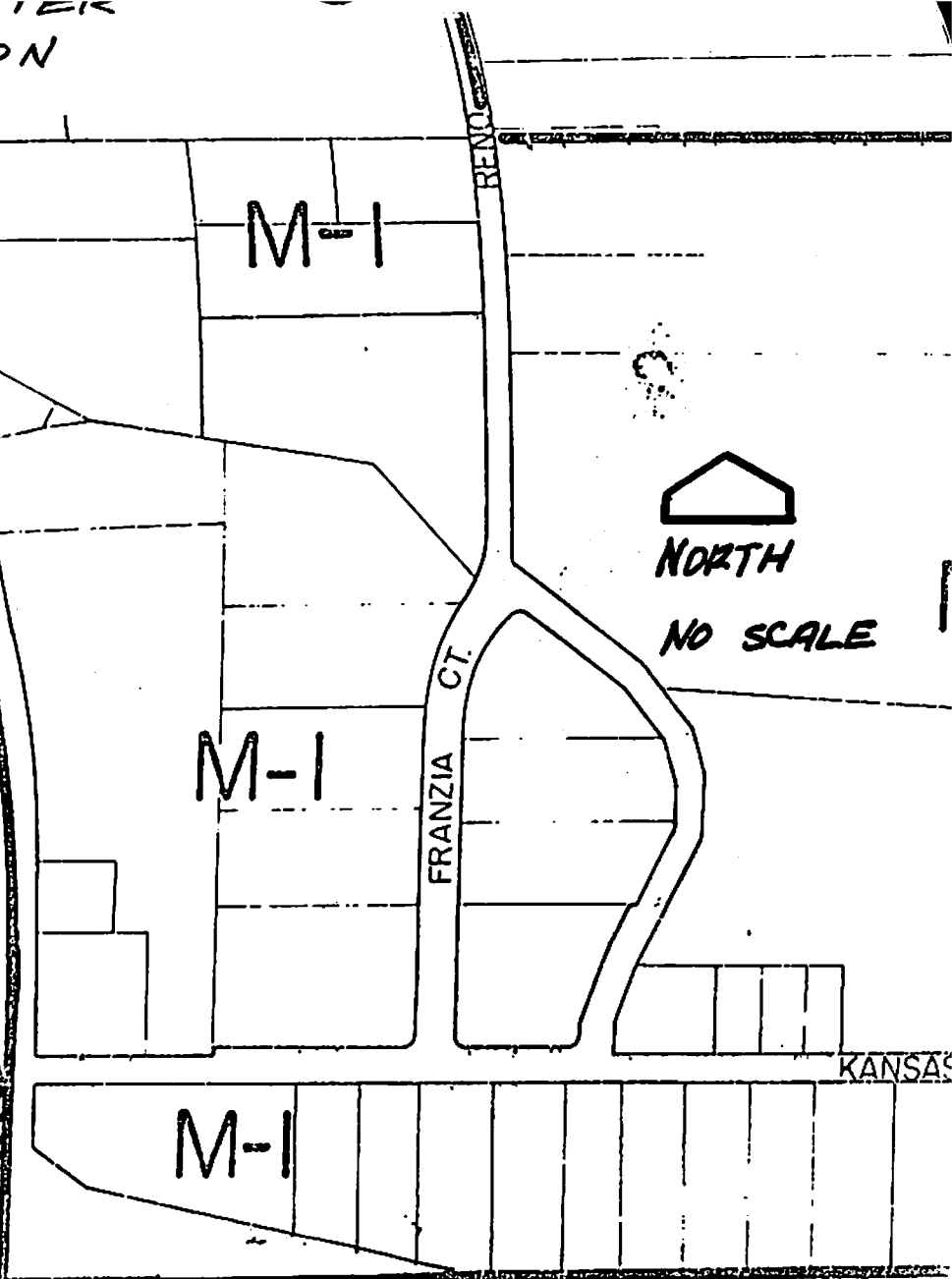
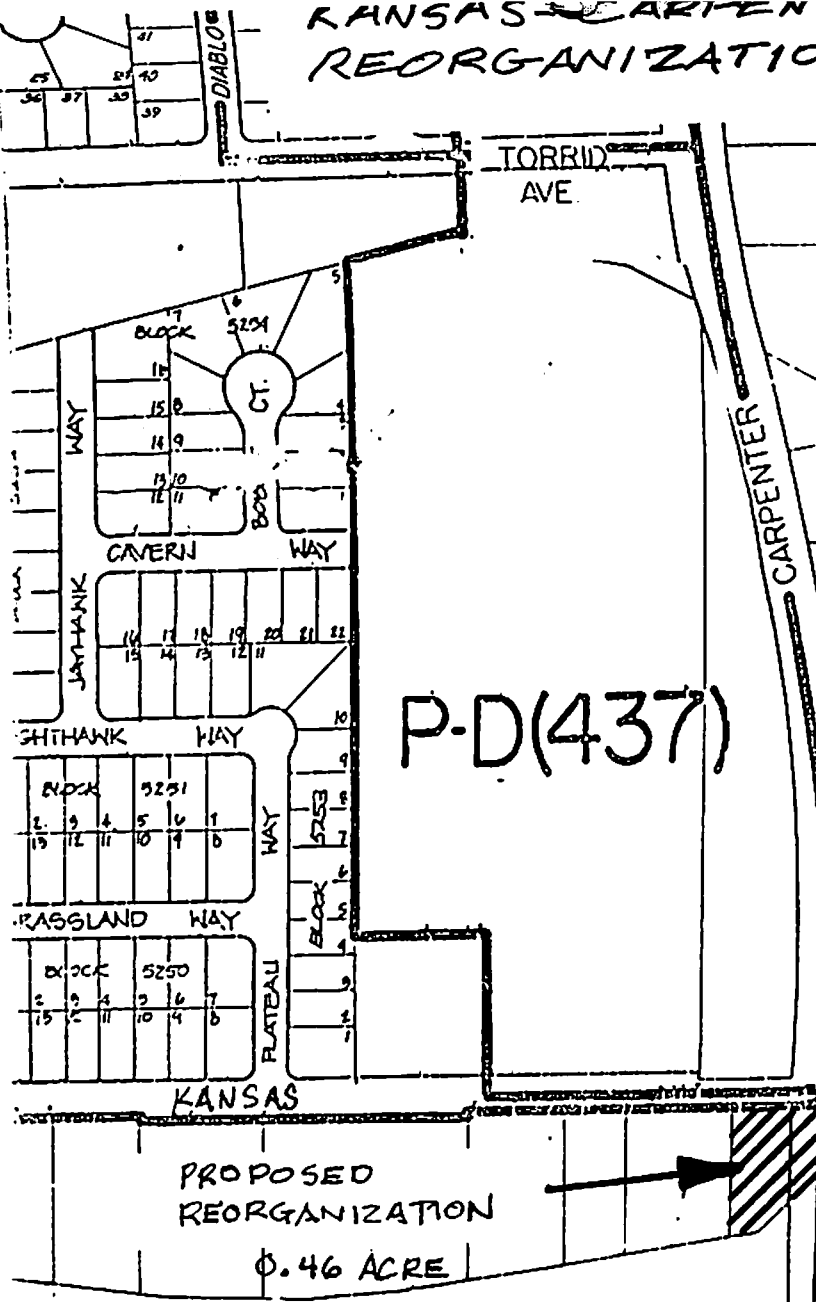
4. If the proposal is approved, are there any conditions the City would like LAFCO to impose?

No.

5. Other comments the City would like to make.

None.

# KANSAS REORGANIZATION



MODESTO CITY COUNCIL  
RESOLUTION NO. 89-38

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GUS J. PAPTONE FOR 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 10th day of January, 1989, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-39

A RESOLUTION SUPPORTING GILTON SOLID WASTE MANAGEMENT, INC'S APPLICATION TO THE CALIFORNIA WASTE MANAGEMENT BOARD FOR THE CONSTRUCTION OF AN EAST SIDE RESOURCE RECOVERY/TRANSFER STATION.

WHEREAS, Gilton Solid Waste Management, Inc. has made application to the California Waste Management Board for an operating permit to operate a resource recovery/transfer station, and

WHEREAS, Gilton Solid Waste Management, Inc. has requested the City of Modesto to adopt a resolution supporting the application, and

WHEREAS, the Stanislaus County Solid Waste Management Plan provides for an east side resource recovery/transfer station to be built to serve the residents of the eastern portion of the County including the cities of Modesto, Riverbank, Oakdale, Waterford, Hughson and the communities of Knights Ferry and Denair, in place of the Geer Road landfill which is to close in early 1989, and

WHEREAS, Gilton Solid Waste Management, Inc. has an application approved by the Stanislaus County Board of Supervisors to build a resource recovery/transfer station to serve the residents and communities of the eastern portion of the County in order to consolidate and transfer all garbage and trash received from those areas, and

WHEREAS, Stanislaus County's Solid Waste Management Plan directs all non-recyclable garbage to be deposited at a waste-to-energy plant located in the extreme western portion of Stanislaus County which has substantially increased the hauling distance from the present Geer Road landfill disposal

site, and

WHEREAS, the new waste-to-energy plant is currently receiving non-recyclable garbage for its testing stage and regular operation is expected to begin in January or February of 1989,

NOW, THEREFORE, BE IT RESOLVED, that the City of Modesto supports the application of Gilton Solid Waste Management, Inc. to the California Solid Waste Management Board for an east side resource recovery/transfer station operating permit.

BE IT FURTHER RESOLVED that Gilton Solid Waste Management, Inc.'s service charges and costs of operation including maintenance of said east side resource recovery/transfer station will be reviewed and, if deemed reasonable and necessary, rate adjustments may be made.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of January, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-40

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO PROVIDE FINANCING FOR THE HIRING OF FOUR (4) NEW SWORN POLICE OFFICERS

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1988-89 in the amount of \$87,990 to provide financing for the new allocated positions of three (3) Police Officers and one (1) Police Sergeant in the Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Budget of the City of Modesto for fiscal year 1988-89 be amended as follows:

GENERAL FUND (FUND NO. 010)

<u>Appropriation Adjustments</u> <u>Agy/Org/Object</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
190/1961/0110	Salaries & Wages	\$65,664
190/1961/0160	P E R S	21,186
190/1961/0165	Uniform Allowance	1,140
800/8000/8003	Gen Fund Contingency Reserve	(87,990)

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 10th day of January, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, 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. 89-41**

**A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
AS THE PLANNING COMMISSION REPRESENTATIVE**

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

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

**SECTION 1. The following person is hereby appointed to the  
Board of Zoning Adjustment as the Planning Commission Rep. for the respective  
term as indicated:**

Jeff Grover

Term to expire January 1, 1992

**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 10th day of January,  
1989, by Councilmember Lang, who moved its adoption,  
which motion being duly seconded by Councilmember McGrath, was  
upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST:**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-42

A RESOLUTION APPROVING THE PUBLIC PROJECTS COMMITTEE RECOMMENDATION REGARDING THE CLARATINA AREA.

WHEREAS, the Public Projects Committee held a series of public meetings and received materials and testimony regarding the 1988 Urban Growth Policy Review document and urban growth in general, and

WHEREAS, as a result of these meetings the Committee recommends the following:

That staff proceed with the annexation request for the property known as the Claratina Area without a Measure A vote.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Citizens Advisory Growth Management Act, an initiative ordinance of the City of Modesto, known as Measure A does not apply to the request for sewer service for the Claratina Area and, further, that City staff is hereby directed to begin to process the annexation request for the Claratina Area on that basis provided that the property owners initiating the request for sewer service and annexation execute an agreement subject to the approval of the City Attorney to indemnify the City from any and all liability that may result from this decision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January 1989, by Councilmember McGrath, who moved its adoption, which motion was seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton

NOES: Councilmembers: Irizarry, Muratore, 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. 89-43

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(460). (MARK POWELL)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by Mark Powell on October 14, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a 9,000 square feet medical office building, property located on the southwest corner of Judith Lane and Timothy Avenue, described as follows:

All that certain real property situate in a portion of the southeast quarter of Section 17, 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 1, 2, 3, and 4 in Block 6133 of the Hudelson Tract, as per map filed on December 9, 1946 in Volume 16 of Maps at page 9, Stanislaus County Records.

Including also the west 30.00 feet of 60.00-foot wide Timothy Avenue, south 30.00 feet of 60.00-foot wide Judith Lane, east 10.00 feet of the adjacent 20.00 foot wide alley and all immediately contiguous to the above described property.

and

WHEREAS, after a public hearing held on December 5, 1988, 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. 88-135, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed office project will be compatible with adjoining residential properties to the north and west.
2. The proposed office project is located between other P-O zoned properties and has a favorable locational relationship with Doctor's Medical Center and McHenry Avenue commercial developments.

**AMENDED**

on  
By Resolution 1989-43

3. The offices will help fill a need for more medical facilities in the vicinity of Doctor's Medical Center.

and

WHEREAS, after a public hearing held on January 17, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mark Powell 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. 88-135 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2632-C.S. on the 17 day of January, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460).

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(460), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Timothy Avenue Medical Offices" as amended in red, stamped approved by the Planning Commission on December 5, 1988.
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:

Eight (8) foot solid decorative masonry wall and four foot double-sided wood, stucco, or masonry wall or fence along the west and north property lines, respectively. A six (6) foot masonry pilaster and board fence shall be constructed 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 Timothy Avenue and Judith Lane frontages shall be improved to including replacement of unused driveway approaches with curb, gutter, and sidewalk and a street light on Timothy Avenue prior to the occupancy of any structures or when requested by the Engineering Services Director to alleviate a health, safety, or traffic problem in the area. The full width of the adjoining alley shall be improved to City standards.
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 Engineering Services Director. Improvements shall be constructed in accordance with the approved plans.
7. All curbcuts serving two-way driveways shall be 35 feet in width.
8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services Director.
9. 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.
10. All signs shall comply with the sign requirements of the P-0 Zone.
11. 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(460):

The entire construction program be accomplished in one phase, construction to begin on or before December 5, 1990, and completion to be not later than December 5, 1991.

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(460), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Muratore

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 Whiteside  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-44

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 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(460). (MARK POWELL)

WHEREAS, on January 17, 1989, the City Council introduced Ordinance No. 2632-C.S. giving approval to a project relating to an amendment to Section Map 17-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460), property located on the southwest corner of Judith Lane and Timothy 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 17-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460), property located on the southwest corner of Judith Lane and Timothy Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember Sutton, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterosn, Sutton, Mayor Whiteside

NOES: Councilmembers: Muratore

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. 89-45

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR INSTALLATION OF PLAY APPARATUS IN WESSON RANCH  
PARK

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

SECTION 1. The plans and specifications for the installation of play  
apparatus in Wesson Ranch Park

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on February 7, 1989, 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 17th day of January, 1989,  
by Councilmember Muratore, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-46

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR REMODELING THE RESTROOM AT THE CROCKER BUILDING-  
1012 "I" STREET

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

SECTION 1. The plans and specifications for remodeling the restroom at  
the Crocker Building at 1012 "I" 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 February 7, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 17th day of January, 1989,  
by Councilmember Muratore, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-47

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE LEASE/PURCHASE OF ONE COPY MACHINE

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

SECTION 1. The plans and specifications for the lease/purchase of  
one copy 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 February 14, 1989, at 3:00 p.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 17th day of January, 1989,  
by Councilmember Muratore, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-48

A RESOLUTION ACCEPTING THE BID OF WESTERN TRACTION COMPANY FOR FURNISHING ONE HIGH DUMP STREET SWEEPER

WHEREAS, Resolution No. 88-796, adopted by the Council of the City of Modesto on October 25, 1988 , approved the plans and specifications for the purchase of one high dump street sweeper and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one high dump street sweeper were opened at 3:00 p.m. on November 29, 1988 , 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 Western Traction Company in the amount of \$94,895 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Traction Company in the amount of \$94,895 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-49

A RESOLUTION ACCEPTING THE BID OF CASE POWER AND EQUIPMENT COMPANY FOR  
FURNISHING TWO LOADER/FORKLIFTS

WHEREAS, Resolution No. 88-839, adopted by the Council of the City of Modesto on November 8, 1988, approved the plans and specifications for the purchase of one loader/forklift, and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one loader/forklift were opened at 3:00 p.m. on December 6, 1988, 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 and Equipment Company in the amount of \$92,324, for two loader/forklifts, 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 and Equipment Company in the amount of \$92,324, for two loader/forklifts, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-50

A RESOLUTION ACCEPTING THE INSTALLATION OF TRAFFIC SIGNALS AT PRESCOTT AND RUMBLE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the installation of traffic signals at Prescott and Rumble

has been completed by Richard A. Heaps, Electrical Contractor, Inc. in accordance with the contract agreement dated June 7, 1988. .

NOW, THEREFORE, BE IT RESOLVED that the installation of traffic signals at Prescott and Rumble

be accepted from said contractor, Richard A. Heaps, Electrical Contractor, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$81,045 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 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-51

A RESOLUTION ACCEPTING THE INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE AND FLOYD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the installation of traffic signals at Oakdale and Floyd Roads

has been completed by Challenge Electric

in accordance with the contract agreement dated April 19, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the installation of traffic signals at Oakdale and Floyd Roads

be accepted from said contractor, Challenge Electric ;  
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$91,937.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-52

A RESOLUTION ACCEPTING THE RESIDENTIAL ALLEY PAVING, PROJECT NO. 14,  
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and  
Transportation that the residential alley paving, Project No. 14,

has been completed by Patch Master of Central California  
in accordance with the contract agreement dated August 9, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the residential alley  
paving, Project No. 14,

be accepted from said contractor, Patch Master of Central California ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$192,983.95 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 17th day of January,  
1989, by Councilmember Muratore, who moved its adoption, which  
motion being duly seconded by Councilmember Sutton, was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-53

A RESOLUTION ACCEPTING THE HATCH ROAD/PEARSON AVENUE WATER STRENGTHENING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the Hatch Road/Pearson Avenue water strengthening project

has been completed by TDW Construction, Inc.

in accordance with the contract agreement dated May 10, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Hatch Road/Pearson Avenue water strengthening project

be accepted from said contractor, TDW Construction, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$116,367.95 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 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-54

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILIP R. HENDLEY FOR USE OF EXISTING FUEL ISLAND NO. 1 AND JET FUEL TANK 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 Philip R. Hendley for use of existing fuel island No. 1 and jet fuel tank 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 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-55

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HAILWOOD, INC., REGARDING THE USE OF THE FORMER HAILWOOD PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hailwood, Inc. for their use of the former Hailwood property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-56

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALOMA LACKEY FOR THE LEASE OF 1343 LEGION PARK DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Aloma Lackey for the lease of 1343 Legion Park 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 17th day of January, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-57

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR \$75,000 FOR THE RENTAL REHABILITATION PROGRAM FOR THE CITY'S HOUSING PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the submission of an application to the U.S. Department of Housing and Urban Development for \$75,000 for the Rental Rehabilitation Program for the City's Housing Program for Fiscal Year 1989, is hereby approved.

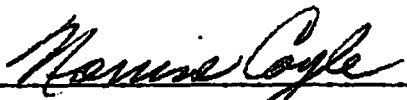
BE IT FURTHER RESOLVED that the execution of the application by the City's designated official, Garth Lipsky, City Manager, be and it is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-58

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT E. AND JOANNE L. SARGENT FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1620 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 1620 Shaddox Avenue, located on the south side of Shaddox Avenue between Watts Avenue and N. Carpenter 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 17th day of January, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-59

A RESOLUTION APPROVING A PART-WIDTH STREET LESS THAN FORTY (40) FEET IN WIDTH FOR WALNUT WAY ADJACENT TO APPROVED VESTING TENTATIVE SUBDIVISION MAP JAED ESTATES.

WHEREAS, the vesting tentative subdivision map Jaed Estates was approved by the Planning Commission on July 18, 1988, and

WHEREAS, the approved subdivision divides approximately 7.29 acres into 39 R-1 lots and is located on the south side of Rouse Avenue and east of Walnut Way, and

WHEREAS, condition number 4 of the approved map requires that Walnut Way shall be constructed to at least 40-foot part-width residential street standards, and

WHEREAS, the subdivider has control of only the east 25 feet of Walnut Way adjacent to Jaed Estates subdivision and is unable to obtain approval from the owner of property to the west to construct Walnut Way to at least 40-foot part-width residential street standards, and

WHEREAS, the subdivider submitted a request on November 15, 1988, to modify condition number 4, and

WHEREAS, the Planning Commission approved the modification of condition number 4 allowing Walnut Way to be constructed to a part-width street of less than 40 feet in width, and recommends to the City Council that development of a part-width street less than 40 feet wide for the portion of Walnut Way adjacent to approved vesting tentative subdivision map Jaed Estates be approved, and

WHEREAS, the Modesto Municipal Code Section 4-4.302(a)(8) requires City Council approval of a part-width street of less than 40 feet, and

WHEREAS, said matter was considered by the City Council on January 17, 1989, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that approval of a part-width street less than 40 feet in width for Walnut Way adjacent to approved vesting tentative subdivision map Jaed Estates should be granted,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the construction of the portion of Walnut Way adjacent to Jaed Estates subdivision to a part-width street less than 40 feet wide be, and it hereby is, approved based upon the following factors:

1. Walnut Way is along the west boundary of the Jaed Estates subdivision. The west 25 feet of Walnut Way is not under the subdivider's control.
2. The construction of Walnut Way as a 40 foot part-width street within the right-of-way under the subdivider's control will create a 10-foot offset in the center of the street.
3. The public interest to develop Walnut Way without an offset in the centerline outweighs the policy of having all part-width streets a minimum of 40 feet in width.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

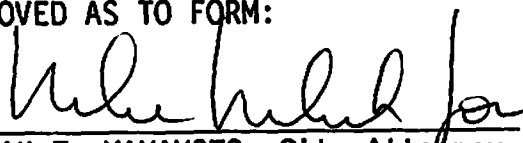
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-60

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 R-2. (MERRILL L. STONE)

WHEREAS, on January 24, 1989, the City Council introduced Ordinance No. 2638-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 Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair 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 Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-61

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 SECTIONS 10-2.503, 10-2.902, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1202 AND 10-2.2324 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS.

WHEREAS, on January 24, 1989 the City Council introduced Ordinance No. 2639-C.S. giving approval to a project relating to an amendment to Sections 10-2.503, 10-2.902, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1202, and 10-2.2324 of Chapter 2 of Title X of the Modesto Municipal Code relating to Zoning Regulations, 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 Sections 10-2.503, 10-2.902, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1202, and 10-2.2324 of Chapter 2 of Title X of the Modesto Municipal Code relating to Zoning Regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, 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. 89-61A

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 10-2.509 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO FRONT YARD TRASH ENCLOSURES.

WHEREAS, on January 24, 1989 the City Council introduced Ordinance No. 2640-C.S. giving approval to a project relating to an amendment to Section 10-2.509 of Chapter 2 of Title X of the Modesto Municipal Code relating to Front Yard Trash Enclosures, 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 10-2.509 of Chapter 2 of Title X of the Modesto Municipal Code relating to Front Yard Trash Enclosures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, 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. 89-62

A RESOLUTION ACCEPTING THE IMPROVEMENTS TO FIRE STATION NO. 5 HEATING AND COOLING SYSTEM AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the improvements to Fire Station No. 5 heating and cooling system

has been completed by Lang's Enterprises, Inc.

in accordance with the contract agreement dated December 22, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the improvements to Fire Station No. 5 heating and cooling system

be accepted from said contractor, Lang's Enterprises, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$20,776 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember Sutton, 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, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-63

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$600 FROM RESERVE FOR THE FIRE STATION NO. 5 HEATING AND COOLING SYSTEM PROJECT**

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

FROM:	Contingency Reserve (130 800 8000 8003)	\$600.00
TO:	Fire Station 5 - Heating/Cooling (130 180 P-33 6000)	\$600.00

Problems were encountered in construction and additional inspection time was required which accounts for the overage on this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember Sutton, 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>	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	McGrath

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-64

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF SCENIC DRIVE FROM SUNNYSIDE TO ROSE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the reconstruction of Scenic Drive from Sunnyside to Rose has been completed by Garcia Paving Co., Inc. in accordance with the contract agreement dated July 19, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of Scenic Drive from Sunnyside to Rose

be accepted from said contractor, Garcia Paving Co., Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$196,878.30 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-65

A RESOLUTION APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT L. CRISP TO PERFORM AN APPRAISAL OF TWO PRIVATE PROPERTIES IN BLOCK 77, NEEDED FOR THE POLICE FACILITIES EXPANSION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the letter agreement between the City of Modesto and Robert L. Crisp to perform an appraisal of two private properties in Block 77, needed for the Police facilities expansion be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said letter agreement by the designated 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 January, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ARSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-66

A RESOLUTION REPEALING MODESTO CITY COUNCIL RESOLUTION NO. 89-42  
REGARDING THE CLARATINA AREA.

WHEREAS, the Public Projects Committee held a series of public meetings and received materials and testimony regarding the 1988 Urban Growth Policy Review document and urban growth in general, and

WHEREAS, as a result of these meetings the Committee recommended the following:

That staff proceed with the annexation request for the property known as the Claratina Area without a Measure A vote.

and

WHEREAS, the Modesto City Council at its regular meeting held on January 10, 1989, accepted the Public Project Committee's recommendation and adopted Resolution No. 89-42 which provides that:

"The Modesto Citizens Advisory Growth Management Act, an initiative ordinance of the City of Modesto, known as Measure A does not apply to the request for sewer service for the Claratina Area and, further, that City staff is hereby directed to begin to process the annexation request for the Claratina Area on that basis provided that the property owners initiating the request for sewer service and annexation execute an agreement subject to the approval of the City Attorney to indemnify the City from any and all liability that may result from this decision."

and

WHEREAS, at its regularly scheduled meeting on January 24, 1989, the Modesto City Council determined to reconsider its said decision concerning the Claratina Area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Resolution No. 89-42 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, 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, Mayor Whiteside

NOES: Councilmembers: McGrath, Patterson, Sutton

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. 89-67

A RESOLUTION APPROVING A PUBLIC RIGHT OF WAY MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO, CENTRAL VALLEY ASSOCIATES AND LILJENQUIST MODESTO COMPANY REGARDING THE CENTRAL VALLEY SHOPPING CENTER LOCATED ON SISK ROAD, CONANT AVENUE AND PLAZA PARKWAY

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the Public Right of Way Maintenance Agreement between the City of Modesto, Central Valley Associates and Liljenquist Modesto Company regarding the Central Valley Shopping Center located on Sisk Road, Conant Avenue and Plaza Parkway be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-68**

**A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION  
(ROGER JACKSON)**

**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:**

Roger Jackson  
3412 Bridle Path Lane  
Modesto, Ca. 95356  
Term to expire 1/1/93

**SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member of the  
Human Relations Commission and the Secretary thereof.**

**The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 24th day of January,  
19 89, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Sutton,  
Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Lang, Patterson**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-69

A RESOLUTION DETERMINING THE RESULT OF AN ELECTION HELD IN  
THE TERRITORY DESIGNATED AS THE CALIFORNIA-MARSHALL  
REVISED REORGANIZATION TO THE CITY OF MODESTO. (DEFEATED)

WHEREAS, by Resolution No. 88-860, the Council of the City of  
Modesto called a special election to determine whether the order to reorganize  
to the City of Modesto certain inhabited territory known as  
California-Marshall Revised Reorganization should be confirmed, and

WHEREAS, a special election by mail ballot was held on the 31st day  
of January 1989, in said inhabited territory known as California-Marshall  
Revised Reorganization to the City of Modesto, County of Stanislaus, State of  
California, which territory is contiguous to the City limits of said City, and  
more particularly described as attached hereto,

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

SECTION I. That due notice of said special election by mail  
ballot was published in The Modesto Bee, a newspaper of general circulation  
printed and published in the City of Modesto, County of Stanislaus, State of  
California, which said notice appeared in said newspaper on November 25, 1988.

SECTION II. That after the holding of said special election, the  
election officer thereof delivered to and deposited with the Clerk of this  
Council the mail ballots, tally sheets, and the returns of said special  
election.

SECTION III: That all requirements of the Cortese-Knox Local Government Reorganization Act of 1985, and otherwise in accordance with the Election code of the State of California, have been duly and regularly followed and that all of the procedures adopted and employed in the reorganization proceedings and in the holding of said special election were proper and legal,

BE IT FURTHER RESOLVED, CERTIFIED AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that said special election was regularly called, held, and conducted as required by law; that the proper and complete returns thereof have been made and received; that the same have been properly canvassed; that from the returns so canvassed as aforesaid, it appears and the Council so finds that at said special election the total number of votes cast was and is 17; that the number of votes cast for reorganization was and is 2; that the number of votes cast against reorganization was and is 15; that the number of votes cast which were voided was -0-; that the total number of votes cast were and are as follows:

<u>Total Votes Cast</u>	<u>In Favor of Reorganization</u>	<u>Opposed to Reorganization</u>	<u>Voided</u>
17	2	15	-0-

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the measure, to wit: "Shall the order adopted on November 15, 1988, by the City of Modesto ordering the California-Marshall Revised Reorganization consisting 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, and (c) the annexation of said territory to the Modesto Municipal

Sewer District No. 1, be confirmed?", did not receive a majority of the votes cast for said reorganization and that, therefore, said measure failed to carry and was defeated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. Chastan  
Public Works & Transportation Department  
Engineering Division

CALIFORNIA - MARSHALL  
GOVERNMENTAL REORGANIZATION  
TO THE CITY OF MODESTO  
DESCRIPTION

All that portion of the East half of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, California, described as follows:

Beginning at the Northeast corner of the Southeast quarter of said Section 31, thence South  $0^{\circ}17'10''$  East along the centerline of Martin Luther King Drive, 964.42 feet to the easterly extension of the North line of Briggs Avenue; thence North  $89^{\circ}35'00''$  West along said easterly extension and said North line, 963.51 feet to the Southwest corner of Lot 2 of RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO as shown in Volume 2 of Maps at Page 1, Stanislaus County Records; thence North  $0^{\circ}17'24''$  West, 466.92 feet to the Northwest corner of said Lot 2; thence North  $89^{\circ}36'02''$  West along the South line of Lot 13 of said RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, 20.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 276.92 feet; thence North  $89^{\circ}37'03''$  West parallel to the North line of said Lot 13, 95.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 190.00 feet to the North line of said Lot 13 also being the South line of California Avenue; thence North  $89^{\circ}37'03''$  West along the South line of said California Avenue, 252.31 feet to the southerly extension of the centerline of Spencer Avenue; thence North  $0^{\circ}22'57''$  East along said southerly extension and the centerline of said Spencer Avenue, 60.00 feet to the westerly extension of the North line of said California Avenue; thence South  $89^{\circ}37'03''$  East along said westerly extension and the North line of said California Avenue, 416.74 feet to the West line of Marshall Avenue; thence North  $0^{\circ}36'57''$  East along the West line of said Marshall Avenue, 25.29 feet; thence South  $89^{\circ}23'03''$  East, 55.00 feet to a point on the East line of said Marshall Avenue and the beginning of a non-tangent curve from which a radial line bears South  $89^{\circ}23'03''$  East; thence southeasterly along said non-tangent curve, concave to the northeast, having a radius of 15.00 feet, through a central angle of  $90^{\circ}14'00''$  an arc distance of 23.62 feet to a point on the North line of said California Avenue;

Approved as to description

ON Oct 5 - 88

BY [Signature]

thence South 89° 37' 03" East along the North line of said California Avenue, 152.95 feet to a point on the West line of the Briggs Ditch right-of-way; thence South 0° 36' 27" West along the West line of said Briggs Ditch right-of-way, 30.00 feet to a point on the North line of said California Avenue; thence South 89° 37' 03" East along the North line of said California Avenue, also being the existing City Limit line, 690.74 feet to the centerline of said Martin Luther King Drive; thence South 0° 17' 10" East, 10.00 feet to the point of beginning.

Containing 22.88 acres, more or less.

Dated : 9/29/88  
Job No.: 7216

Approved as to description

ON           
BY

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-70

A RESOLUTION TERMINATING REORGANIZATION PROCEEDINGS AFTER  
MAIL BALLOT ELECTION OF CERTAIN INHABITED TERRITORY  
DESIGNATED AS CALIFORNIA-MARSHALL REVISED REORGANIZATION.

WHEREAS, by Resolution No. 88-860, the Council of the City of Modesto called a special election to determine whether the order to reorganize to the City of Modesto certain inhabited territory designated as California-Marshall Revised Reorganization should be confirmed, and

WHEREAS, a special election was held on the 31st day of January 1989, in said territory on the following measure, to wit: "Shall the order adopted on November 15, 1988, by the City of Modesto ordering the California-Marshall Revised Reorganization consisting 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, and (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and in addition the requirement that the property owner has until five years from the date sewer becomes available to their property before they are required to connect, all as more particularly described and set forth in the order, be confirmed?", and

WHEREAS, by Resolution No. 89-69 , the Council of the City of Modesto determined the results of said special election and determined that said measure did not receive a majority of the votes cast in favor thereof and, therefore, said measure failed to carry and was defeated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the order to annex certain territory designated as the California-Marshall Revised Reorganization has not been confirmed and said reorganization proceedings are hereby terminated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

CALIFORNIA - MARSHALL  
GOVERNMENTAL REORGANIZATION  
TO THE CITY OF MODESTO  
DESCRIPTION

All that portion of the East half of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, California, described as follows:

Beginning at the Northeast corner of the Southeast quarter of said Section 31, thence South  $0^{\circ}17'10''$  East along the centerline of Martin Luther King Drive, 964.42 feet to the easterly extension of the North line of Briggs Avenue; thence North  $89^{\circ}35'00''$  West along said easterly extension and said North line, 963.51 feet to the Southwest corner of Lot 2 of RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO as shown in Volume 2 of Maps at Page 1, Stanislaus County Records; thence North  $0^{\circ}17'24''$  West, 466.92 feet to the Northwest corner of said Lot 2; thence North  $89^{\circ}36'02''$  West along the South line of Lot 13 of said RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, 20.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 276.92 feet; thence North  $89^{\circ}37'03''$  West parallel to the North line of said Lot 13, 95.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 190.00 feet to the North line of said Lot 13 also being the South line of California Avenue; thence North  $89^{\circ}37'03''$  West along the South line of said California Avenue, 252.31 feet to the southerly extension of the centerline of Spencer Avenue; thence North  $0^{\circ}22'57''$  East along said southerly extension and the centerline of said Spencer Avenue, 60.00 feet to the westerly extension of the North line of said California Avenue; thence South  $89^{\circ}37'03''$  East along said westerly extension and the North line of said California Avenue, 416.74 feet to the West line of Marshall Avenue; thence North  $0^{\circ}36'57''$  East along the West line of said Marshall Avenue, 25.29 feet; thence South  $89^{\circ}23'03''$  East, 55.00 feet to a point on the East line of said Marshall Avenue and the beginning of a non-tangent curve from which a radial line bears South  $89^{\circ}23'03''$  East; thence southeasterly along said non-tangent curve, concave to the northeast, having a radius of 15.00 feet, through a central angle of  $90^{\circ}14'00''$  an arc distance of 23.62 feet to a point on the North line of said California Avenue;

Approved as to description

ON Sept 5-88

BY City Clerk

thence South 89° 37' 03" East along the North line of said California Avenue, 152.95 feet to a point on the West line of the Briggs Ditch right-of-way; thence South 0° 36' 27" West along the West line of said Briggs Ditch right-of-way, 30.00 feet to a point on the North line of said California Avenue; thence South 89° 37' 03" East along the North line of said California Avenue also being the existing City Limit line, 690.74 feet to the centerline of said Martin Luther King Drive; thence South 0° 17' 10" East, 10.00 feet to the point of beginning.

Containing 22.88 acres, more or less.

Dated : 9/29/88  
Job No.: 7216

Approved as to description

ON Oct 5 1988  
BY John M. Hill

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-71

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BOYLE/KILPATRICK & ASSOCIATES TO EXTEND THE TERM OF THEIR CONTRACT FOR TRANSIT ADVERTISING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Boyle/Kilpatrick & Associates to extend the term of their contract for transit system advertising through June 30, 1990 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1989, by Councilmember Sutton, 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, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-72

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(21) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TULLY ROAD AND STANDIFORD AVENUE. (TULLY MANOR INVESTMENT TRUST)

WHEREAS, on February 7, 1989, the City Council introduced Ordinance No. 2641-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(21), property located at the southeast corner of Tully Road and Standiford 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 Planned Development Zone, P-D(21), property located at the southeast corner of Tully Road and Standiford Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Irizarry, Muratore

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. 89-73

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(386) PROPERTY LOCATED ON THE SOUTH SIDE OF STANDIFORD AVENUE, WEST OF TULLY ROAD. (TULLY MANOR INVESTMENT TRUST)

WHEREAS, on February 7, 1989, the City Council introduced Ordinance No. 2642-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(386), property located on the south side of Standiford Avenue, West of Tully 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 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 Planned Development Zone, P-D(386), property located on the south side of Standiford Avenue, West of Tully Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Irizarry, Muratore

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. 89-74

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 28-3-9 AND 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-2 TO C-3. (CITY COUNCIL INITIATED)

WHEREAS, on February 7, 1989, the City Council introduced Ordinance No. 2643-C.S. giving approval to a project relating to an amendment to Sections 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, to Highway Commercial Zone, C-3, property located north of new State Highway 132 and east of Dry Creek, 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 Sections 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, to Highway Commercial Zone, C-3, property located north of new State Highway 132 and east of Dry Creek.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-75

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 71-771 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(92)".

WHEREAS, the City Council, by Ordinance No. 1136-C.S., which was introduced on August 16, 1971, finally adopted on September 7, 1971, and which became effective on October 7, 1971, to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a one-, two-, and three-story expansion of the Casa de Modesto elderly care and housing facility located between Briggsmore Avenue and Norwegian Avenue, west of Eldena Way, and

WHEREAS, Ordinance 1136-C.S. specifies the P-D(92) use as "a retirement center-convalescent care facility composed of the following:

- a. 82 long-term care convalescent beds
- b. 82 residential care units
- c. 84 independent living units
- d. 18 intermediate care units,"

totalling 266 beds/units plus a minimum of 90 off-street parking spaces, and,

WHEREAS, City Council Resolution No. 71-771, which was adopted on September 7, 1971, approved a development plan for P-D(92) and contained the conditions of approval thereof, and

WHEREAS, on November 2, 1976, the Planning Commission granted a time extension for P-D(92) calling for completion of development by November 30, 1980, and

WHEREAS, the two- and three-story portions of the project were not built and the northwest portion of the site remains vacant, and

WHEREAS, a revised development plan for Casa de Modesto has been submitted which is in essentially three parts, a series of relatively minor additions and changes to the existing south portion of the site and two 44-unit, three-story independent-living clusters to the northwest and northeast portions, sequentially, and,

WHEREAS, the revised plans constitute a reduced occupant load calling for a total of 205 beds/units compared to the previously approved 266 beds/units, but the independent living units are limited to 84 and the applicants now propose 88 independent living units, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(92) was filed by Casa de Modesto on November 14, 1988, for deletion of the number limitations of the various occupancy categories in Ordinance 1136-C.S. and for approval of the revised development plans and a revised development schedule, and

WHEREAS, after a public hearing held on January 3, 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. 89-5, that an amendment to P-D(92) to delete the number limitations of the various occupancy categories in Ordinance 1136-C.S. is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(92) constitutes a lower occupant load in terms of units and beds than previously approved.
2. The revised development plans address neighborhood compatibility by increasing some building setbacks, providing screen landscaping, and improved circulation by removal and relocation of curb cuts on Eldena Way.
3. Amendment of Ordinance 1136-C.S. to delete the number limitations of the various care categories will allow the

applicant greater flexibility and enable the City to regulate capacities in the development plan which reflects the current practice.

and

WHEREAS, after a public hearing held on February 7, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Casa de Modesto to amend P-D(92) to delete the number limitations of the various occupancy categories in Ordinance 1136-C.S. to be replaced with the use designations as "elderly care and housing facility; off-street parking as shown on the approved development plan", should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-5 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 71-771 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(92)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(92), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Casa de Modesto" as amended in red, stamped approved by the Planning Commission on January 3, 1989.
2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on January 3, 1989.

3. 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 and retained along the south property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Six-foot wood fence with decorative masonry pilasters on the west property line. Double sided board fencing shall be employed adjacent to the single-family dwelling property. The combination masonry wall/chain link fence shall be maintained along Briggsmore Avenue.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. The Eldena Way frontage shall be improved to residential street standards including repaving to center line prior to the occupancy of any new structures or when requested by the Engineering Services 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 Engineering Services Director. Improvements shall be constructed in accordance with the approved plans.
8. Drainage shall be provided as required by the Engineering Services Director.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering Services 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. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

12. All signs shall comply with the sign requirements of the R-2 Zone.
13. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(92):

The entire construction program be accomplished in one phase, construction to begin on or before January 3, 1991, and be completed by not later than January 3, 1992."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-76

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(92) PROPERTY LOCATED BETWEEN BRIGGSMORE AVENUE AND NORWEGIAN AVENUE, WEST OF ELDENA WAY. (CASA DE MODESTO)

WHEREAS, on February 7, 1989, the City Council introduced Ordinance No. 2644-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(92), property located between Briggsmore Avenue and Norwegian Avenue, west of Eldena 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 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 Planned Development Zone, P-D(92), property located between Briggsmore Avenue and Norwegian Avenue, west of Eldena Way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-77

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF LIGHTING IN MUNCY PARK,  
LAKEWOOD PARK AND SIPHERD PARK

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

SECTION 1. The plans and specifications for the installation of lighting  
in Muncy Park, Lakewood Park and Sipherd Park  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on February 28, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-78

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE PICKUP TRUCK WITH 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 pickup truck with 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 7, 1989, at 3:00 p.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 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-79

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE BREATHING AIR COMPRESSOR

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 breathing  
air compressor

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 7, 1989 at 3:10 p.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 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-80

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE PNEUMATIC PRUNING SYSTEM

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on February 28, 1989, at 3:00 p.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 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-81

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE MORTON BOULEVARD TRESTLE REPLACEMENT CON-  
STRUCTION

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

SECTION 1. The plans and specifications for the Morton Boulevard trestle replacement 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 February 28, 1989, 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 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-82

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE WATER SUPPLY FOR SLUDGE THICKENERS AT THE  
WATER QUALITY CONTROL PLANT

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

SECTION 1. The plans and specifications for the water supply for sludge  
thickeners at the Water Quality Control Plant  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on February 28, 1989, at 11:10 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 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-82A**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$50,000.00 TO FUND  
THE SLUDGE THICKENER PROJECT AT THE WATER QUALITY CONTROL PLANT**

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

FROM: Emergency Discharge Project      \$50,000  
      (621-480-P361-6000)

TO: Upgrade Sludge Thickener            \$50,000  
      (621 480)

This process has been recommended by the evaluation prepared by Hydron, Inc., a consulting firm specializing in upgrading sludge thickeners. This improvement will bring the sludge thickeners up to the desired operating efficiencies before the start of the 1989-90 canning season.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-83

**A RESOLUTION ACCEPTING THE BID OF SAFETECH COMPANY FOR FURNISHING THREE POLICE TRAFFIC SCOOTERS**

WHEREAS, Resolution No. 88-922, adopted by the Council of the City of Modesto on December 13, 1988 , approved the plans and specifications for the purchase of three Police traffic scooters and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of three Police traffic scooters were opened at 3:00 p.m. on January 17, 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 Safetech Company in the amount of \$16,920 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Safetech Company in the amount of \$16,920 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February , 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-84

A RESOLUTION ACCEPTING THE BID OF POPE CHEVROLET FOR FURNISHING ONE TRUCK CAB AND CHASSIS WITH DUMP BED

WHEREAS, Resolution No. 88-921, adopted by the Council of the City of Modesto on December 13, 1988, approved the plans and specifications for the purchase of one truck cab and chassis with dump bed and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one truck cab and chassis with dump bed were opened at 3:10 p.m. on January 17, 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 Pope Chevrolet in the amount of \$33,439 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pope Chevrolet in the amount of \$33,439 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-85

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF  
COMPUTER EQUIPMENT FROM WANG LABORATORIES

WHEREAS, the City Manager's Office, the Fire Prevention Bureau, and  
the Parks and Recreation Department are requesting the purchase of addition-  
al Wang computer equipment; and

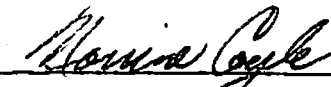
WHEREAS, Wang Laboratories is the sole source for the purchase of their  
products.

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 Wang  
Laboratories in the amount of \$18,065, 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 February, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-86

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

WHEREAS, the Engineering Services Department is requesting the purchase of Apple computer equipment to be used for computer aided design work; and

WHEREAS, Apple Computers, Inc. is the sole source for the purchase of their products.

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.

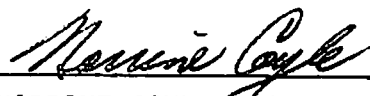
BE IT FURTHER RESOLVED that purchase of computer equipment from Apple Computer, Inc. in the amount of \$8,250, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-87

A RESOLUTION APPROVING A GOVERNMENT PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND APPLE COMPUTER, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Government Purchase agreement between the City of Modesto and Apple Computer, Inc. for the purchase of computer equipment be, and it is hereby approved.

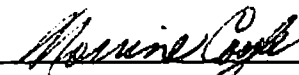
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-88

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE MOTORIZED SAND TRAP RAKE FROM H.V. CARTER COMPANY

WHEREAS, the Public Works-Transportation Division is requesting the purchase of a motorized sand trap rake; and

WHEREAS, staff recommends waiving formal bid procedures because on calls for similar equipment, the H.V. Carter Company has been the only vendor to respond.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one motorized sand trap rake is hereby waived.

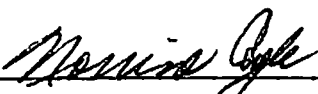
BE IT FURTHER RESOLVED that purchase of one motorized sand trap rake from H.V. Carter Company in the amount of \$7,760, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-89

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ETHEL G. PIRES FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1312 WATTS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ethel G. Pires for water service to property outside the City limits at 1312 Watts Avenue, located on the east side of Watts between Woodland and Shaddox 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 7th day of February, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-90

A RESOLUTION ADOPTING A PROCEDURE FOR MONITORING  
CONDITIONS IMPOSED TO MITIGATE OR AVOID SIGNIFICANT  
EFFECTS ON THE ENVIRONMENT.

WHEREAS, new legislation has been enacted as Public Resources Code  
Section 21081.6 which requires public agencies to adopt a reporting or  
monitoring program for monitoring conditions of projects approved which  
mitigate or avoid significant effects on the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that a mitigation monitoring procedure is hereby adopted as follows:

1. Imposition of Mitigation Conditions.

Conditions necessary to mitigate the environmental impacts of a  
project will be recommended by the Environmental Assessment  
Committee (EAC) at the time it conducts environmental review and  
issues a negative declaration. If an environmental impact report is  
required, the EAC will recommend conditions at the time it reviews  
the EIR. The EAC will base its recommended conditions upon the  
comments received from various departments and agencies, public  
input and developer-supplied information such as traffic impact  
studies, project descriptions, etc. For those projects approved by  
the Board of Zoning Adjustment, Planning Commission, or City  
Council, the EAC recommendations shall be considered and either  
incorporated as part of the conditions of approval or reasons noted  
on the records of why the recommendations were not implemented.  
Mitigation measures of an EIR that are not implemented need an  
adopted statement of overriding considerations.

2. Mechanics of Monitoring.

All environmental conditions which by their terms require review and  
completion by the Building Inspection Division as part of its plan  
check, building permit or certificate of occupancy review will be  
checked by the Building Department for completion. The departments  
of Parks and Recreation, Public Works and Transportation, and others  
will advise the Building Inspection Division that certain conditions  
have been completed. The project will not receive a certificate of  
occupancy if these conditions are not completed.

Planning staff will review the environmental conditions of approval of all projects and make a list of all environmental conditions which by their terms are not required to be completed before issuance of certificate of occupancy. Planning staff will monitor these environmental conditions, and as environmental conditions are completed they will be removed from this list. There may also be cases where the environmental condition should be complied with but the developer is avoiding compliance. These will be referred to the City Attorney's Office for enforcement.

Conditions placed on a planned development zone can be enforced long after the project is functioning. However conditions placed on rezonings or subdivision maps which are not intended to be enforced immediately are not enforceable unless the developer is required to enter into a contract to perform these conditions. Due to the difficulty with enforcement, conditions with indefinite performance requirements should be avoided.

### 3. Reporting Requirements.

Planning staff will make an annual summary of projects which have mitigation conditions which have not been completed. It will include those conditions which state that they will not be implemented "until needed". This report will be made available to the Planning Commission, City Council and the public.

### 4. Fees.

The new legislation empowers the city to charge fees for the costs of monitoring the environmental conditions. No new fee is being proposed at this time. Any additional costs from monitoring would be incurred primarily by the Planning and Community Development Department and can be included in the environmental review fee when it is next revised.

However, some projects may be of a magnitude or of a scope which precludes adequate review by City staff. If the departments review a project which may have this problem (i.e., a hazardous waste recycling operation) they should so indicate in their comments to the Environmental Assessment Committee. The developer will then be requested to come up with a monitoring plan. A condition of approval will be implementation of the plan, either by the developer himself or by an up-front payment of the costs of implementation to the City, who will in turn hire someone to monitor the mitigation measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-91

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSELAWN COURT SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Jimmy V. and Anita S. Allen, subdividers of Roselawn Court Subdivision have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$ 53,800.00 and \$ 26,900.00 respectively to guarantee improvements in Roselawn Court Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated January 27, 1989 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 Roselawn Court Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$ 53,800.00 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 \$ 26,900.00 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 7<sup>th</sup> day of February, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO .89-92

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$10,000 TO THE COUNTY OF STANISLAUS FOR ASPHALT OVERLAY PROJECT ON VARIOUS STREETS IN THE SOUTH MODESTO AREA

WHEREAS, the Stanislaus County is planning to overlay many streets in the South Modesto/Ceres area during 1989, and has asked for cooperation from the City of Modesto on this project.

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 \$10,000 to the County of Stanislaus for asphalt overlay project on various streets in the south Modesto area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-93

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO JUNIOR COLLEGE FOR USE OF THEIR STADIUM, TRACK AND POOL

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 use of their stadium, track and pool

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
February, 1989, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Muratore, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-94

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:

Community Development Program Manager  
Housing Program Supervisor  
Senior Housing Rehabilitation Specialist

The specifications for the classifications created, as shown on the attached Exhibits "A", "B" and "C" which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Housing Program Officer  
Supervising Housing Rehabilitation Specialist

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 14, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

COMMUNITY DEVELOPMENT PROGRAM MANAGER

DEFINITION

To manage, direct, coordinate and administer the City Housing and Community Development Block Grant Program including the administration of Housing Maintenance Program, Emergency Home Repair, Rental Rehabilitation, Handicapped Barrier Removal and Economic Development Loan programs; to coordinate program activities with other City departments; and to provide highly complex staff assistance to the Planning and Community Development Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Planning and Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of policies and procedures relating to the operations of assigned division.

Coordinate program activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Manage, direct and organize division activities in the administration of the Community Development Block Grant Program and City Housing program including such areas as loans, emergency home repair, rehabilitation.

Direct, oversee and participate in the development of the program work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Supervise and participate in the development and administration of the Community Development Block Grant budget; direct the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Prepare annual reports to HUD on the Community Development Block Grant and Rental Rehabilitation program

Research general literature for application to programs; research new funding sources.

EXAMPLES OF DUTIES

Coordinate production of reports and program marketing documents for assigned program; participate and supervise grant applications; ensure program compliance with State and Federal guidelines and regulations.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Serve as lead staff representative to the City Housing and Community Development Committee (CH&CDC) and Economic Development Loan Program Subcommittee (EDLPS).

Recommend goals and objectives; assist in the development of policies and procedures.

Prepare grant application and other reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of rehabilitation and code enforcement programs.

Pertinent Federal, State, and local laws, codes and regulations.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Principles and procedures of financial record keeping and reporting.

Methods of statistical analysis and graphic presentation.

Federal, State and local housing and community development programs, requirements and their funding sources.

Ability to:

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Organize, direct and implement a comprehensive program.

Ability to:

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Prepare and present reports, grant applications and program result documentation.

Gain cooperation through discussion and persuasion.

Research, analyze and coordinate statistical and narrative data.

Use sound judgments in interpreting and applying program guidelines.

Prepare effective presentations, reports, records and procedural guides.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in finance, housing program management, community development or a related field including two years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban housing, city planning, regional planning, public administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

# HOUSING PROGRAM SUPERVISOR

## DEFINITION

To manage, direct and coordinate the City Housing Rehabilitation Programs, including Housing Maintenance Program, Emergency Home Repair Program, Home Emergency Loan Program, Rental Rehabilitation Program, and the residential portion of the Handicapped Barrier Removal Program. To provide data concerning housing rehabilitation clients and projects to the Community Development Manager for HUD reports.

## SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Community Development Manager.

Exercises direct supervision over supervisorial and technical staff in assigned areas.

EXAMPLES OF DUTIES: - Duties may include, but are not limited to, the following:

Manage, direct and coordinate City Housing rehabilitation activities, including loans, emergency home repair, and rehabilitation.

Oversee ongoing housing rehabilitation projects, both technical and financial.

Supervise Housing Rehabilitation Specialists and Housing Financial Specialists in all phases of housing rehabilitation work.

Prepare annual reports to Community Development Program Manager for inclusion in HUD and State reports.

Plan, prioritize, assign, supervise and review the work of staff involved in housing rehabilitation activities.

Utilize and direct staff in the implementation of computer usage in preparing work documents and reports.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Assist Community Development Program Manager in budget preparation and administration; prepare cost estimates for budget recommendations; submit justification for budget items; monitor and control expenditures.

Present housing rehabilitation information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Serve as lead staff representative to the Rehabilitation Loan Pool Subcommittee (RLPS), Housing Maintenance and Counseling Subcommittee (HM&CS) and Neighborhood Advisory Committee (NAC).

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of rehabilitation and code enforcement programs.

State, county and city laws, codes and ordinances relating to building construction and zoning;

Rehabilitation program guidelines and requirements;

Principles of supervision, training and performance evaluation;

Budgeting procedures and techniques.

Ability to:

Interpret and apply Federal, State and local policies, procedures, laws and regulations;

Prepare and administer a budget;

Supervise, train and evaluate staff;

Prepare and present comprehensive reports;

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

Three years of increasingly responsible experience in housing rehabilitation programs, or a related field, including two years of administrative and supervisory experience.

Training

Equivalent to a Bachelor's degree from an accredited college or university with major course work in housing, construction management, public administration or a related field.

License or Certificate

Possession of, or ability to obtain an appropriate, valid California driver's license.

## SENIOR HOUSING REHABILITATION SPECIALIST

DEFINITION

To plan, organize and supervise the Housing Rehabilitation Specialists within the Housing Program Office; and to perform a variety of technical tasks relative to assigned area of responsibility including to provide technical and professional assistance to eligible property owners participating in the Rehabilitation Programs.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Housing Program Supervisor.

Exercises direct supervision over technical staff in assigned area.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Inspect properties of potential participants for health and safety violations; require and recommend corrections; describe program guidelines to owners.

Prepare specification for work to be performed using good design standards; draft and check plans; prepare estimate of the rehabilitation cost.

Assist property owners in soliciting bids; review bids and assist property owners in the selection of contractors; work with property owners and contractors to develop suitable contractual agreements.

Prepare and maintain job budget; release payments to contractors, suppliers and owners.

Monitor ongoing rehabilitation work; maintain log of job progress; make final inspection when project is completed.

Prepare reports and correspondence.

Plan, prioritize, assign, supervise and review the work of staff involved in rehabilitation activities.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Federal Housing and Community Development Program requirements.

State and county laws, codes and ordinances relating to building construction and zoning.

Rehabilitation program guidelines and requirements.

Principles of supervision, training and performance evaluation.

Budgeting procedures and techniques.

Pertinent Federal, State, and local laws, codes and regulations.

Current and past construction methods, materials and applications.

Property appraisal techniques.

Architectural design.

Ability to:

Interpret provisions of applicable codes, ordinances and regulations enforceable by the City.

Accurately estimate construction costs.

Prepare work specifications.

Read and interpret diagrams, plans, and specifications.

Make rapid and accurate mathematical computations.

Use sound inspection methods to examine workmanship and materials and to detect deviations from plans, specifications and standard installation practices.

Prepare and present concise comprehensive reports.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and carry out oral and written directions.

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 of rehabilitation construction program implementation experience is desirable.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in construction management, contracting or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-95

A RESOLUTION AMENDING EXHIBIT "G" 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 "G" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR 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 "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-490, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the classifications of Community Development Program Manager, Range 441; Housing Program Supervisor, Range 438; and Senior Housing Rehabilitation Specialist, Range 434; and deletes the classifications of Housing Program Officer, Range 440; and Supervising Housing Rehabilitation Specialist, Range 434.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-494. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-494, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes

Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the classifications of Community Development Program Manager, Range 441; Housing Program Supervisor, Range 438; and Senior Housing Rehabilitation Specialist, Range 434; and deletes the classifications of Housing Program Officer, Range 440; and Supervising Housing Rehabilitation Specialist, Range 434.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 14, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 1001~~  
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

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

110688

1359/WPPER

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASS

Effective July 5, 1988

---

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 5, 1988

---

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 Golf Course Supervisor 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

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

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. Deputy Director Public Works - Transportation
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations
451	Assistant City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-96

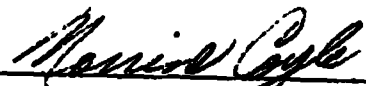
A RESOLUTION APPROVING AN AMENDED FEDERAL GRANT OFFER FOR THE WATER QUALITY CONTROL TREATMENT PLANT IMPROVEMENT PROJECT (UNITS 2 AND 3)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the grant from the U.S. Environmental Protection Agency to allow procurement of Third Party Claims Assessment services should those services be needed on the Wastewater Treatment Plant Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant amendment by the designated 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 February, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-97

A RESOLUTION VACATING AND ABANDONING THE NORTHERLY 5-FEET OF THE SOUTHERLY 10-FOOT PUBLIC UTILITY EASEMENT IN LOTS 42 AND 43 AND THE SOUTHERLY 10-FOOT PUBLIC UTILITY EASEMENT IN LOTS 44, 45, 46, 47, 48 AND 49 OF BLOCK 12655 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 12655 in the City of Modesto, described in Exhibit "A" attached hereto, which is the northerly 5-feet of the southerly 10-foot public utility easement in Lots 42 and 43 and the southerly 10-foot public utility easement in Lots 44, 45, 46, 47, 48, and 49 of Block 12655 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 the northerly 5-feet of the southerly 10-foot public utility easement in Lot 42 and 43 and the southerly 10-foot public utility easement in Lots 44, 45, 46, 47, 48, and 49 of Block 12655 in the City of Modesto, is no longer necessary for public utility 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, the 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 northerly 5-foot of the southerly 10-foot public utility easement in Lots 42 and 43 and the southerly 10-foot public utility easement in Lots 44, 45, 46, 47, 48, and 49 of Block 12655 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 7th day of February, 1988, 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, McGrath, Muratore, Patterson, Sutton, 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. Gustafson  
Public Works And Transportation  
Department, Engineering Division

VACATE AND ABANDON PUBLIC UTILITY EASEMENTS IN  
LOTS 42-49 IN BLOCK 12655

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of the Northeast quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lots 42 through 49 in Block 12655 of the BEYERWOOD WEST Subdivision, as per map filed October 28, 1987 in Book 32 of Maps, Page 37, Stanislaus County Records, described as follows:

PARCEL 12655-1

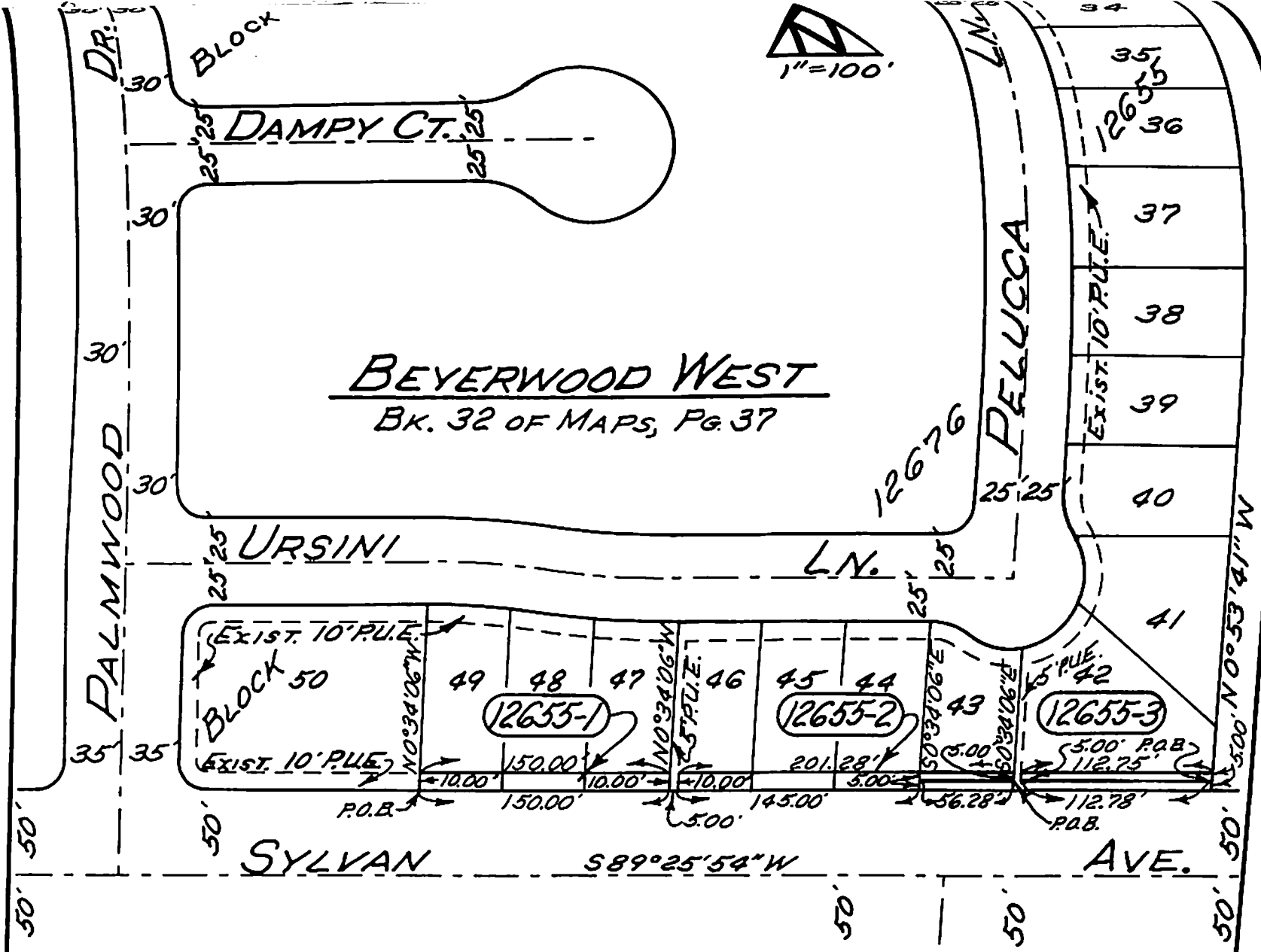
Beginning at the Southwestern corner of said Lot 49 in Block 12655 of the Beyerwood West Subdivision; thence along the Western line of Lot 49, North 00° 34' 06" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of said Block 12655, said line being the Northern line of a 10.00 foot public utility easement in Block 12655; thence along said parallel line, North 89° 25' 54" East, 150.00 feet, to the Western line of Lot 46 in Block 12655; thence along said Western line of Lot 46, South 00° 34' 06" East, 10.00 feet, to said Southern line of Block 12655; thence along the Southern line of Block 12655, South 89° 25' 54" West, 150.00 feet, to the point of beginning.

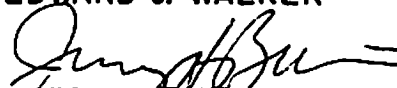
PARCEL 12655-2

Commencing at the Southeastern corner of said Lot 43 in Block 12655 of the Beyerwood West Subdivision; thence along the Eastern line of Lot 43, North 00° 34' 06" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northerly from the Southern line of Lot 43, and the true point of beginning of this description; thence along said parallel line, South 89° 25' 54" West, 56.28 feet, to the Western line of Lot 43; thence along said Western line of Lot 43, South 00° 34' 06" East, 5.00 feet, to the Southern line of Block 12655; thence along said Southern line of Block 12655, South 89° 25' 54" West, 145.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Easterly from the Western line of Lot 46 in Block 12655; thence along said last mentioned parallel line, North 00° 34' 06" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Block 12655, said line being the Northern line of a 10.00 foot public utility easement in Block 12655; thence along said last mentioned parallel line, North 89° 25' 54" East, 201.28 feet, to the Eastern line of Lot 43; thence along said Eastern line of Lot 43, South 00° 34' 06" East, 5.00 feet, to the point of beginning.

PARCEL 12655-3

Commencing at the Southeastern corner of said Lot 42 in Block 12655 of the Beyerwood West Subdivision; thence along the Eastern line of Lot 42, North 00° 53' 41" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northerly from the Southern line of Lot 42, and the true point of beginning of this description; thence along said parallel line, South 89° 25' 54" West, 112.78 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Easterly from the Western line of Lot 42; thence along said last mentioned parallel line, North 00° 34' 06" West, 5.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from said Southern line of Lot 42; thence along said last mentioned parallel line, North 89° 25' 54" East, 112.75 feet, to said Eastern line of Lot 42; thence along the Eastern line of Lot 42, South 00° 53' 41" East, 5.00 feet, to the point of beginning.



RECOMMENDED BY:		Revisions	DATE	BY
		Corrected Lot Number - Lot 44	2-7-89	J.L.C.
CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS		VACATE AND ABANDON PUBLIC UTILITY EASEMENTS IN LOTS 42-49 OF BLOCK 12655-LD88-H	FLD. BK. & PG.	
EDWARD J. WALKER DIRECTOR R.E. 13836			W. O. NO.	
 JERRY H. BUTLER DEPUTY			FILE NUMBER	
DATE	DRAWN	CHECKED	4-A-722	
Jan., 1989	J. Christiansen			

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-98

A RESOLUTION ESTABLISHING FILING FEES AND RULES AND REGULATIONS RELATING TO SIDEWALK FOOD VENDORS AND RESCINDING RESOLUTION NO. 88-977.

WHEREAS, Section 4-1.1203 of the Modesto Municipal Code states that the amount of the filing fee relating to permits for Sidewalk Food Vendors shall be established by the City Council by resolution adopted from time to time, and

WHEREAS, Section 4-1.1207 of the Modesto Municipal Code states that rules and regulations governing the use of vending carts and the issuance of permits shall be established by the City Council by resolution adopted from time to time, and

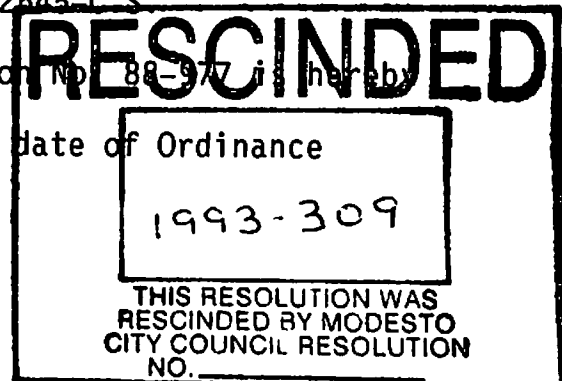
WHEREAS, City staff has recommended amendments to the Rules and Regulations for Sidewalk Food Vendors, and

WHEREAS, at its meeting of February 7, 1989, the Council considered the amendments to the Rules and Regulations for Sidewalk Food Vendors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes filing fees and rules and regulations governing Sidewalk Food Vendors as attached hereto marked Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that the filing fees and rules and regulations established by this resolution shall become effective and apply on and after the effective date of Ordinance No. 2645-C.S.

BE IT FURTHER RESOLVED that Resolution No. 88-977 is hereby rescinded effective on and after the effective date of Ordinance No. 2645-C.S.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

**RULES AND REGULATIONS  
SIDEWALK FOOD VENDORS**

(Pursuant to the Modesto Municipal Code, Section 4-1.1207  
Resolution No. 89-98)

**A. FILING FEE, CASH DEPOSIT, PUBLIC PROPERTY USE FEE.**

1. The Filing Fee shall be \$120.00.
2. The Cash Deposit shall be \$100.00
3. The Public Property Use Fee shall be six percent (6%) for each calendar quarter.

**B. PERMIT.**

1. Permits may be issued by the Public Services Supervisor as the designee of the City Manager.
2. A Permit shall be issued only in the name of a natural person who shall be the sole proprietor of a Vending Cart Operation and who shall have absolute and exclusive control of the management of that Vending Cart Operation.
3. Permittee shall not be issued more than three (3) Permits at any time.
4. Applications (except renewal applications) for Permits may be filed at any time during the year.
5. All Permits, without exception, shall expire not later than the end of the operating day on December 31 of each year.
6. A new or renewed Permit shall not be issued to any Permittee if there are any delinquent fees or taxes due for any Vending Cart Operation of Permittee.
7. A Permit application (except a renewal application) may be cancelled if the Permit is not approved within ninety (90) days after the Permit application is obtained from the Finance Department.
8. After obtaining initial location approval, applicants may test up to two additional locations before deciding which location they will use.
  - a. This trial period shall not apply to a Permit being renewed.

**EXHIBIT A**

- b. After having a Permit approved, a Permittee may test the approved Designated Location on a trial basis for a period of up to seven (7) days immediately following the approval date. If, after said seven (7) days, the Permittee is not satisfied with that Designated Location, said Permittee may immediately apply for an alternate location at no additional charge (subject to existing location restrictions). Said Permittee may test said alternate location for up to seven (7) days from the date of approval of alternate location. If, after said test, the Permittee is not satisfied with this alternate location, the Permittee may immediately apply for a final alternate location at no additional charge (subject to existing location restrictions). This final alternate location may be used for up to seven (7) days from the date of approval of final alternate location.
- c. If any trial location is used for more than seven (7) days, the testing period shall be ended and that location shall become the Designated Location.
- d. At the conclusion of the trial period, the Permittee shall confirm to the designee of the City Manager which one of the tested spots shall be the Designated Location. If the Permittee fails to confirm the location or does not apply for a new test location (not to exceed more than three test locations) within ninety-six (96) hours after the conclusion of the most recent test period, the last selected location shall be considered the Designated Location and further testing or selection shall not be permitted.
- e. Irrespective of length of trial period and regardless of which location is ultimately selected, the date of final location approval shall correspond to the date of the first location approved for use.
- f. If, during the trial period, another person desires to secure one of the tested locations, said person may apply for the location but must wait for approval until the Permittee has concluded the trial period and a decision has been made about the location. After a decision has been made, the rejected location(s) will be available for approval.
- g. If two or more persons desire the same trial location during the test period, the earliest location request date among such requests shall dictate which person will have first chance at that location. If two or more applications for the same location are received on the same day, a drawing shall be conducted to determine who shall have first chance at said location.

C. VENDING CART.

1. A Vending Cart shall not be wider than four (4) feet at its widest point (exclusive of waste containers) nor longer than seven (7) feet at its longest point (exclusive of waste containers). A canopy or other similar overhead cover may be used but no portion of this cover (exclusive of vertical support poles or struts) shall be lower than seven (7) feet above the sidewalk. Any and all vertical supports for this cover shall be totally confined within the horizontal dimensions (width and length) of the Vending Cart.
2. The Operator shall provide sufficient litter receptacles to hold all litter generated by that Vending Cart Operation.
3. Any power used in a Vending Cart shall be contained wholly within the Cart. No cords, hoses, pipes, bottles, canisters, or other conductors or containers of power or fuel shall extend from any source external to or detached from the Vending Cart while the Vending Cart is in operation upon a City sidewalk.

D. LOCATION AND SAFETY.

1. Designated Locations are prohibited in any zone or planned development having residential uses.
2. A Vending Cart Operation shall not be conducted in such a manner as to obstruct the free passage of any street, alley, or sidewalk nor shall it at any time obstruct the free passage into or from any business or office or other establishment.
3. Each Operator shall maintain a clear, unobstructed passage of at least five (5) feet at all times on the sidewalk in front of and to each side of the Vending Cart.
4. Public safety shall be the principal factor considered when determining allowable Designated Locations. Therefore, a Designated Location shall not be:
  - a. in front of a doorway or entry opening of a building nor within ten (10) feet of a perpendicular line drawn from the curb to a doorway or entry opening of a building;
  - b. within ten (10) feet of any white, green, red, yellow, or blue painted curb;
  - c. within twenty (20) feet of any driveway approach commonly used;
  - d. within twenty (20) feet of any marked crosswalk;
  - e. within twenty-five (25) feet of the intersection of the outer property lines of a property on a street corner;

- f. within twenty-five (25) feet of any alley approach;
  - g. within one hundred (100) feet of another Vending Cart Designated Location;
  - h. within one hundred (100) feet of the property line of any public or private school;
5. a. Vending Carts shall not be located within fifty (50) feet of any usual public entrance to any business which has as its primary enterprise the sale of prepared food products unless the owner, by written notice to the designee of the City Manager, allows the Vending Cart to be closer.
    - b. Should the primary enterprise or the owner of any business in the area of a Designated Location change, a valid Permit shall have precedence and shall not be nullified by reason of the proximity requirement of 5.a. above during the Permit year in progress. However, all requirements of this Article shall apply for any renewal application or any new application for that Designated Location.
  6. Vending Carts shall be located only in the outer (curb side) one-half (1/2) of any sidewalk providing that a minimum of five (5) feet for clear walking passage must be maintained at all times between the Vending Cart and inner (building) edge of the sidewalk.
  7. Any Permitted Vending Cart may be alternated among those Designated Locations Permitted to the Permittee. However, on any day a Vending Cart is removed from its Designated Location it cannot be returned to that, or any other, Designated Location for operation that same day.

E. OPERATION.

1. A Vending Cart shall not remain in a Designated Location overnight.
2. All products and operations of a Vending Cart Operation must conform to Federal, State, County, and local health regulations as directed by the Stanislaus County Department of Environmental Resources (Health Department).
3. All operations of a Vending Cart Operation must conform to Federal, State, County, and local safety regulations as directed by the City of Modesto Fire Department.
4. Vending Carts shall be limited to the sale of food and drink products only (such as hot dogs, sandwiches, ice cream, soft drinks, candy, doughnuts).
5. Alcoholic beverages shall not be sold at any Designated Location.
6. The frying of food items is not permitted at any Designated Location.

7. Permittee shall indemnify 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 Vending Cart Operation.
8. Food products may not be sold to any person in a parked or stopped motor vehicle.
9. Vending Cart Operations shall not interfere with any parked, stopped, or moving motor vehicle.
10. Operators shall not shout nor willfully make any loud noise (except when an emergency shall suddenly occur) to the annoyance or disturbance of any person in the vicinity of the Designated Location.
11. The ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is prohibited.
12. Each Operator shall keep the area around the Vending Cart clean of all garbage, trash, and litter resulting from the transportation, storage, preparation, vending, or use of Vending Cart products. The ground shall be kept free of substances such as cheese, lettuce, mustard, relish, leaking water, paper, and any other substance which may cause a person to slip or trip. The sidewalk in the immediate area shall be cleaned of any stains caused by Vending Cart Operations.
13. Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. daily.
14. The provisions of the Modesto Municipal Code controlling or regulating the use of signs, posters, and advertising shall be complied with at all times.
15. A Vending Cart at a Designated Location shall not be left unattended.
16. When in a Designated Location, Vending Cart Operations shall be conducted only upon the public sidewalk. Vending Cart Operations shall not be conducted in such a way as would tend to cause customers or pedestrians or operators to leave the public sidewalk and pass onto surrounding property or onto the street or gutter.
17. Except for a separate chair for the Operator and a litter receptacle, no other piece of equipment or any supplies of the Vending Cart Operation shall rest upon the ground outside the manufactured horizontal dimensions of the Vending Cart. The separate chair and litter receptacle may not rest in any location or in any position which might cause a tripping hazard for pedestrians or customers.

F. TEMPORARY OR PERMANENT ABANDONMENT.

1. a. The designee of the City Manager may require the temporary or permanent abandonment of any Designated Location due to unsafe

conditions. An unsafe condition is any condition which unreasonably increases the risk of injury to any person or damage to any property.

- b. Any Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be entitled to a temporary location.
2. a. The requirements of events such as the Fourth of July Parade, Annual Bicycle Rally, Cinco de Mayo Parade, and other City Council declared, approved, or recognized events (such as sidewalk sales) may necessitate the temporary abandonment of a Designated Location. Temporary abandonment of a Designated Location may be necessary to allow for placement of grandstands, safety barricades, sales tables, or other physical properties which cannot safely or practically be located in another position or location and still support the success of the event.
  - b. The City reserves the right to temporarily relocate or modify a Designated Location to the extent necessary for any such event to be safely and practically conducted.

#### G. TEMPORARY LOCATIONS.

A Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be allowed to select a temporary location subject to the approval of the designee of the City Manager. The designee of the City Manager shall have authority to modify usual location criteria in approving the temporary location but not to the extent that safety is significantly jeopardized. The temporarily assigned location shall be as close as safety and practicality permit to the usual Designated Location and shall be used only as long as the usual Designated Location is not available.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-99

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
KEITH FRENCH AND ASSOCIATES TO DESIGN THE 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 Keith French and  
Associates to design the 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 7th day of  
February, 1989, by Councilmember Lang  
who moved its adoption, which motion being duly seconded by Council-  
member Muratore, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-100

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FOR A TEMPORARY LOAN OF \$315,670 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO FINANCE ARCHITECTURAL AND DESIGN SERVICES FOR THE DRY CREEK GOLF COURSE PROJECT.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an advance from the General Fund (Fund No. 010) to finance architectural and design services for the Dry Creek Golf Course project, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1989-90 to amend the General Fund (Fund No. 010) to provide the advance of \$315,670 to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$315,670 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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 7th day of February, 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: Lang, McGrath, Muratore, Patterson,  
Sutton, 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. 89-101

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES ON THE DRY CREEK GOLF COURSE DEVELOPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lew-Garcia-Davis Engineers for professional engineering services on the Dry Creek Golf Course development

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1989, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Muratore

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-102

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO PROVIDE FOR A TEMPORARY LOAN OF \$19,900 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO FINANCE ENGINEERING COSTS FOR THE DRY CREEK GOLF COURSE PROJECT.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an advance from the General Fund (Fund No. 010) to finance engineering costs for the Dry Creek Golf Course project, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1988-89 to amend the General Fund (Fund No. 010) to provide the advance of \$19,900 to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$19,900 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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 7th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, 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. 89-103

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION  
REPRESENTING THE HUMAN RELATIONS 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  
Affirmative Action Commission

Quincy Hamilton  
1521 Wakebridge Drive  
Modesto, Ca. 95356  
Term to expire 12/31/89

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 7th day of February,  
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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Stephen W. Sheppard, 2812 Windsor Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$782.12.

SECTION 2. That the cost of the aforesaid work, being the amount of \$782.12, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 12 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 13-28-30)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-105

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. Downing, 2800 Windsor Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$391.63.

SECTION 2. That the cost of the aforesaid work, being the amount of \$391.63, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 9 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 13-28-33)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-106

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. Streder, 2704 Windsor Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$414.27.

SECTION 2. That the cost of the aforesaid work, being the amount of \$414.27, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 7 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 13-28-35)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-107

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 (Axel W. Hedberg Jr., 2704 Hampshire Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$413.14.

SECTION 2. That the cost of the aforesaid work, being the amount of \$413.14, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:  
Lot 6 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of  
Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel  
No. 13-28-36)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, 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 (Richard A. Williams, 2705 Sunrise Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$669.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$669.41, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:  
Lot 5 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of  
Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel  
No. 13-28-37)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-109

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 (Samuel Sargis, 2713 Sunrise Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$609.01.

SECTION 2. That the cost of the aforesaid work, being the amount of \$609.01, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 3 of Block 12952 of Sherwood Manor as per map filed 7/20/59 in Vol. 19 of Maps, Page 23, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 13-28-39)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Robert J. Benson, 1130 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$564.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$564.22, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 1 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-10)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (George W. Ditman, 1122 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$453.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$453.25, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 3, Southerly 10' of Lot 2, and Northerly 11' of Lot 4 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-12)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Wallace E. Allen, 1116 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$463.38.

SECTION 2. That the cost of the aforesaid work, being the amount of \$463.38, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

The Southerly 52' of Lot 4 and the Northerly 44' of Lot 5 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-13)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Elmer D. Balm, 1110 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$463.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$463.22, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 6 and the Southerly 17' of Lot 5 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Russell A. Edmundson, 1105 Yale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$646.18.

SECTION 2. That the cost of the aforesaid work, being the amount of \$646.18, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 8 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-16)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Antoinette J. Tumbarello, 1115 Yale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$269.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$269.55, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 9 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-116

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 Gnesa, 1129 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$685.53.

SECTION 2. That the cost of the aforesaid work, being the amount of \$685.53, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 12 and Southerly 46.34' of Lot 13 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-20)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-117

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 W. Hively, 838 Notre Dame Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$835.05.

SECTION 2. That the cost of the aforesaid work, being the amount of \$835.05, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 14 and the Northerly 16' of Lot 13 of Block 808 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-21)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-118

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 (Yousef Geith, 824 Tully Road)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$370.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$370.00, 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, California, described as follows:

Lot 1 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-01)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-119

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 L. McClarty, 1238 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$366.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$366.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 2 and West 5.37' of Lot 3 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-02)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-120

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 Randolph Sanders, 1226 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$385.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$385.85, 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:

the South 33.31' of Lot 5 and the North 39.69' of Lot 6 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-05)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-121

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 (Merle L. Lancey, 1218 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$449.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$449.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

the South 16.60' of Lot 6 and the North 53.75' of Lot 7 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-06)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-122

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 (Fredric A. Fellows, 1206 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$403.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$403.19, 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:

the South 21.05' of Lot 8 and all of Lot 9 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-08)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-123

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. Jones, 841 Notre Dame)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$449.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$449.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 10 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-09)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-124

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 David, 839 Notre Dame)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$496.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$496.85, 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:

the South 94' of Lot 11 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-22)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-125

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 (Paul R. Neumann, 1205 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$479.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$479.15, 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 1' of Lot 11 and all of Lot 12 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-23)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-126

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 Quaresma, 1215 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$552.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$552.25, 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 37.66' of Lot 14 and the North 66.82' of Lot 13 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-24)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-127

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 (Lee J. Ervin, 1219 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$313.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$313.86, 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 of 20.05' of Lot 15 and the North 39.33' of Lot 14 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-25)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-128

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 R. Slater, 1225 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$475.71.

SECTION 2. That the cost of the aforesaid work, being the amount of \$475.71, 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 33.70' of Lot 16 and the North 56.30' of Lot 15 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-26)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-129

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 S. Grover, 1231 Trinity Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$412.60.

SECTION 2. That the cost of the aforesaid work, being the amount of \$412.60, 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 South 41.24' of Lot 17 and the North 36.82' of Lot 16 of Block 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-27)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-130

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 (Paul M. Scheidecker, 820 Tully Road)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$370.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$370.00, 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 809 of Campus Tract No. 2 as per map filed 12/7/50 in Vol. 11 of Maps, Page 37, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-08-30)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-131

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 (Parker J. Harrington, 1428 DeI Monte Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$382.83.

SECTION 2. That the cost of the aforesaid work, being the amount of \$382.83, 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 8 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-32)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-132

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 Wallace, 1424 Del Monte Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 7 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-33)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-133

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 (Lydia Joy, 1420 Del Monte Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$196.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$196.69, 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 6 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-34)

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.

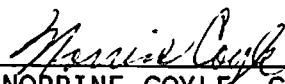
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-134

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 S. Cogar, 1408 Del Monte Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-37)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-135

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 (Martin Gil, 1404 Del Monte Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-38)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-136

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 F. Hardy, 1405 Del Mar Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 15 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-56)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-137

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 (Norman Lee Cole, 1421 Del Mar Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 11 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-60)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-138

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 E. Ensley, 1425 Del Mar Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.69.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.69, 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 10 of Block 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-61)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-139

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 (Deane O. Bashaw, 1429 Del Mar Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$382.88.

SECTION 2. That the cost of the aforesaid work, being the amount of \$382.88, 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 934 of College Gardens as per map filed 5/27/46 in Vol. 14 of Maps, Page 58, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 115-06-62)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Morrine Coyle*  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-140

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 (Ruben J. Patron, 416 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$372.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$372.03, 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:

the South 70' of the North 130' and the East 124.64' of the West 154.64' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-25)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-141

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 E. Giles, 414 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$372.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$372.03, 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:

the South 70' of the North 200' and the East 124.63' of the West 154.63' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-26)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-142

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 C. Flora, 412 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$265.74.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.74, 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:

the South 50' of the North 250' and the East 124.63' of the West 154.63' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-27)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-143

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 Aguilera, 410 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$265.74.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.74, 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:

the South 50' of the North 300' and the East 124.62' of the West 154.62' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-28)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-144

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 (Alfred A. Dunson, 408 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.88.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.88, 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 60' of the North 360' and the East 124.61' of the West 154.61' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-29)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-145

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 (Laura A. Fugit, 406 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$159.44.

SECTION 2. That the cost of the aforesaid work, being the amount of \$159.44, 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 60' of the North 420' and the East 124.61' of the West 154.61' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-30)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-146

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 (Linda P. Hussey, 404 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$308.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$308.25, 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 58' of the North 478' and the East 124.60' of the West 154.60' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-31)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYKE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-147

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 E. Weiss, 402 Wilson Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$292.31.

SECTION 2. That the cost of the aforesaid work, being the amount of \$292.31, 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 the North 533' and the East 124.60' of the West 154.60' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-32)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-148

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 J. Imello, 1005 Roble Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.46, 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:

the South 65' of the North 598' and the East 124.59' of the West 154.59' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-33)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-149

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 (Lawrence D. Bragg, 1023 Roble Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.88.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.88, 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 60' of the North 598' and the West 124.59' of the East 154.59' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-34)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-150

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 E. Houser, 403 Santa Ana Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$265.74.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.74, 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:

the South 50' of the North 538' and the West 124.60' of the East 154.60' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-35)

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.

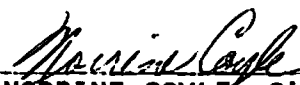
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-151

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 M. Vargas, 405 Santa Ana Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.88.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.88, 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 60' of the North 488' and the West 124.60' of the East 154.60' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-36)

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.

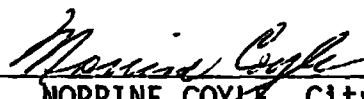
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-152

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. Loschke, 415 Santa Ana Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.88.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.88, 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 60' of the North 190' and the West 124.63' of the East 154.63' of Wilson School Tract as per map filed 3/24/24 in Vol. 9 of Maps, Page 82, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 108-07-41)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-153

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 Bliss Luse, 1122 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 10 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-02)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-154

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 (Verden F. Cooney, 1128 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 9 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-03)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-155

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 F. Chappell, 1132 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 8 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-04)

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.

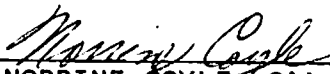
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-156

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. Hindrichsen, 1136 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 7 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-05)

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.

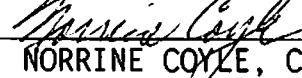
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-157

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 (Linda Ulrich, 1140 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 6 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-06)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-158

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 E. Holley Sr., 1144 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 5 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-07)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-159

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 (Vernon L. Foster, 1148 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 4 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-08)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-160

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 (Carl Nunes, 1208 Morris Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 2 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-10)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-161

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 (Vernon A. Hubbard, 1203 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 20 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-162

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 (Verner L. Runsten, 1147 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 19 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-15)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-163

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 (Harry Rix, 1143 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 18 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-16)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-164

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 (Lucretia M. Parlin, 1139 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 17 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-165

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 (Tag Nomelli, 1131 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 15 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-48)

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.

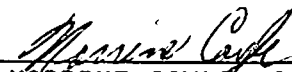
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-166

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 (Debra F. Loyd, 1127 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.33, 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 14 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-47)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-167

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 I. Kiryakoz, 1117 Grantland Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$347.51.

SECTION 2. That the cost of the aforesaid work, being the amount of \$347.51, 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 12 of Block 1006 of Grant Tract as per map filed 6/26/50 in Vol. 16 of Maps, Page 74, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 34-03-22)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-168

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 B. Shore, 2505 Ridgewood Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$746.54.

SECTION 2. That the cost of the aforesaid work, being the amount of \$746.54, 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:

Lots 5 & 6 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-46)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-169

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 (Weldon M. Longbotham, 2409 Ridgewood Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$472.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$472.49, 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:

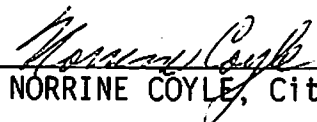
Lot 3 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-48)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-170

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 G. Koscho, 2405 Ridgewood Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$478.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$478.49, 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 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-49)

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.

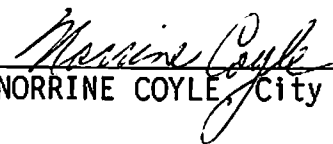
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-171

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 (Arlo T. Dietz, 601 Northgate Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$131.49.

SECTION 2. That the cost of the aforesaid work, being the amount of \$131.49, 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 1 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-50)

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.

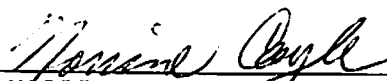
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-172

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 (Jean S. Keasling, 2402 Dorrington Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$687.18.

SECTION 2. That the cost of the aforesaid work, being the amount of \$687.18, 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 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-51)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-173

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 (Harold W. Flesher, 2406 Dorrington Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$628.44.

SECTION 2. That the cost of the aforesaid work, being the amount of \$628.44, 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 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-52)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-174

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 (A. Joseph Bellizzi, 2410 Dorrington Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$495.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$495.65, 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 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-53)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-175

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 (Grant E. Bare, 2502 Dorrington Court)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$531.34.

SECTION 2. That the cost of the aforesaid work, being the amount of \$531.34, 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 12 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-54)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-176

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. Dressler, 606 Fleetwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$378.53.

SECTION 2. That the cost of the aforesaid work, being the amount of \$378.53, 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 8 of Block 6829 of Northgate Subdivision No. 3 as per map filed 9/12/60 in Vol. 19 of Maps, Page 48, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-07-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-177

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 W. Hively, 102 Lane Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 & 24 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-01)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-178

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 (Eddie L. Brubaker, 106 Lane Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 25 & 26 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-02)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-179

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 W. Cole, 110 Lane Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 27 & 28 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-03)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-180

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 P. Pasa, 112 Lane Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 29 & 30 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-04)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-181

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 (Frances M. Anderson, 118 Lane Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 31 & 32 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-05)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-182

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 (Ed Kimball, 117 Walden Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 13 & 14 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-13)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-183

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 (Winifred A. Butler, 113 Walden Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 15 & 16 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-184

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 (Curtis Miller, 109 Walden Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 17 & 18 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-15)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-185

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 (Gerald P. Pasa, 105 Walden Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 & 20 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-16)

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.

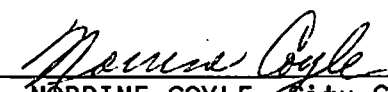
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-186

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 (Julia Fontana, 101 Walden Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$263.41.

SECTION 2. That the cost of the aforesaid work, being the amount of \$263.41, 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 21 & 22 of Block 210 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 210, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 107-07-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-187

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 (George J. Arabian, 215 Needham Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$304.54.

SECTION 2. That the cost of the aforesaid work, being the amount of \$304.54, 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:

Lots 16 & 17 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-11)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-188

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 (George J. Arabian, 106 Magnolia Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$397.29.

SECTION 2. That the cost of the aforesaid work, being the amount of \$397.29, 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:

Lots 13, 14, & 15 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-12)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-189

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 (Clara D. South, 112 Magnolia Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 11 & 12 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-13)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-190

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 (William F. Whalen, 118 Magnolia Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 9 & 10 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-191

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 (Joan M. Veneman, 122 Magnolia Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 7 & 8 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-15)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-192

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 (A. N. Friend, 134 Magnolia Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$397.29.

SECTION 2. That the cost of the aforesaid work, being the amount of \$397.29, 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:

Lots 1, 2, & 3 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-17)

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.

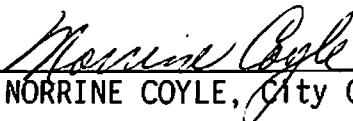
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-193

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 (Marylee Tarkington, 127 Elmwood Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 31 & 32 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-19)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-194

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 (Jacqueline L. Hendershot, 123 Elmwood Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 29 & 30 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-20)

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.

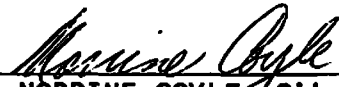
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-195**

**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 (Debra A. Budding, 121 Elmwood Avenue)**

**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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.**

**SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 27 & 28 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-21)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-196

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 (Raymond G. Diaz, 115 Elmwood Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$264.86.

SECTION 2. That the cost of the aforesaid work, being the amount of \$264.86, 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 25 & 26 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-22)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-197

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 Cervantes, 107 Elmwood Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$238.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$238.37, 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 21 & South 20' of Lot 22 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-24)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-198

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 (Modesto Christian Church, 201 Needham Street)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$432.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$432.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lots 18, 19, & 20 of Block 549 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 549, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 110-08-25)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-199

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 (Anna Pierce, 907 Melinda Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$682.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$682.17, 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 9 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-38)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-200

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 (Ronald C. Jennison, 923 Melinda Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$628.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$628.55, 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 7 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-40)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-201

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 (Alexander Vaille, 929 Melinda Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$733.99.

SECTION 2. That the cost of the aforesaid work, being the amount of \$733.99, 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 5 and 6 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-41)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-202

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 (William R. Sellman, 1016 Mills Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$628.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$628.55, 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 1 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-42)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-203

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 (Buddy W. Bales, 922 Carla Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$628.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$628.55, 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 2 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-43)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-204

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 (E. William Wilson, 914 Carla Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$628.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$628.55, 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 3 of Block 816 of College Manor Tract No. 2 as per map filed 1/9/47 in Vol. 16 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-03-44)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-205

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 (June G. Roberts, 328 Cloverdale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$351.54.

SECTION 2. That the cost of the aforesaid work, being the amount of \$351.54, 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:

Lot 1 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-206

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 (Kraig D. Martin, 320 Cloverdale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 3 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-19)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-207

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 (James R. Berry, 316 Cloverdale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 4 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-20)

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.

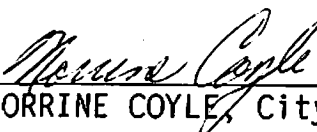
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-208

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 (F. J. Bailey, 304 Cloverdale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 7 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-23)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-209

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 (Florence Wagner, 305 Clofax Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 10 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-26)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Wm. A. Dickerson, 309 Colfax Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 11 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-27)

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.

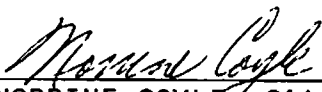
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-211

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 (Velia V. Guerrero, 313 Colfax Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 12 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-28)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-212

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 (Howard E. Nicholas, 321 Colfax Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 14 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-30)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-213

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 (Victor R. Gaona, 325 Colfax Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$324.42.

SECTION 2. That the cost of the aforesaid work, being the amount of \$324.42, 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 15 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-31)

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.

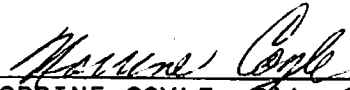
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-214

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 (Bobby L. Whatley, 2240 Roble Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$351.54.

SECTION 2. That the cost of the aforesaid work, being the amount of \$351.54, 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:

Lot 16 of Block 2282 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 33-34-32)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-215

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 (Scott Hansen, 1606 Maplewood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 6 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-41)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-216

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 (Grove S. Sims, 1614 Maplewood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 4 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-43)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-217

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 (Florence L. Givens, 1622 Maplewood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, 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 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-45)

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.

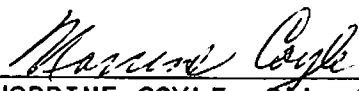
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-218

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 (Terry J. Washburn, 1220 Westland Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$354.36.

SECTION 2. That the cost of the aforesaid work, being the amount of \$354.36, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 14 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-47)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-219

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 (Dorris R. Stout, 1621 Cherrywood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 13 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-48)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-220

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 (Carl E. Abplanalp, 1613 Cherrywood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, 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 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-50)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (Herman L. Parker, 1609 Cherrywood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 10 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-51)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-222

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 (Robert O. Dayberry, 1605 Cherrywood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$346.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$346.00, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 9 of Block 6020 of Westland Manor No. 2 as per map filed 3/30/77 in Vol. 18 of Maps, Page 53, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-16-52)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-223

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 (James M. Weaving, 1542 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$341.45.

SECTION 2. That the cost of the aforesaid work, being the amount of \$341.45, 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 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-01)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-224

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 (Stephany Windorski, 1534 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 3 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-03)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-225

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 (Rose M. Hollis, 1530 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 4 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-04)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-226

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 (Michael J. Toma, 1526 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 5 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-05)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-227

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 (Charles W. Greenhaw, 1518 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 7 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-07)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-228

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 (Robert R. Rimmel, 1510 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 9 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-09)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-229

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 (Ray Biedenweg, 1506 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 10 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-10)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-230

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 (Ray Biedenweg, 1502 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$363.48.

SECTION 2. That the cost of the aforesaid work, being the amount of \$363.48, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 11 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-11)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-231

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 (Vito LaCommare, 1501 Oakwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$340.17.

SECTION 2. That the cost of the aforesaid work, being the amount of \$340.17, 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 12 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-12)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-232

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 (E. Wayne Baird, 1517 Oakwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 16 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-16)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-233

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 (Lonni Ashlock, 1521 Oakwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 17 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-234

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 (Leslie J. Miller, 1525 Oakwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 18 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-18)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-235

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 (Kathleen J. Short, 1529 Oakwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$335.28.

SECTION 2. That the cost of the aforesaid work, being the amount of \$335.28, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 19 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-19)

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.

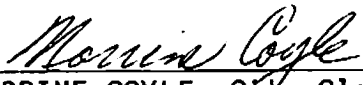
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-236

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 (Michael R. Ertel, 1541 Orangeburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$364.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$364.55, 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 22 of Block 6041 of College Fig Garden as per map filed 3/4/53 in Vol. 17 of Maps, Page 50, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 117-19-22)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-237

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 (Kenneth R. Lowe, 1426 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$386.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$386.06, 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 1 of Block 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-37)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-238

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 (James H. Montgomery, 1422 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-38)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-239

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 (Richard C. Hicks, 1414 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-40)

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.

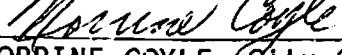
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-240

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 (Kennith D. McCoy, 1410 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-41)

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.

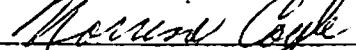
SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book 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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-241

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 (John A. Ruiz, Sr., 1402 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-43)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 88-242

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 L. Hartgrove, 1322 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-44)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-243

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 (Kim A. Krieman, 1318 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-45)

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.

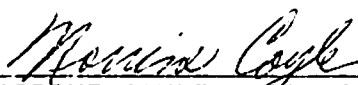
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-244

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 (Joseph R. Padilla, 1314 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-46)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-245

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 (Rose M. Brown, 1310 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-47)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-246

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 (Henry Leon, 1306 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-48)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-247

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 (D. A. Childers, 1302 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$402.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$402.65, 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 of Block 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-49)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-248

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 (Richard E. Jacobs, 1305 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-51)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-249

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 (Viec Van Nguyen, 1309 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-52)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-250

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 (Sharon K. Welch, 1313 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-53)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-251

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 (Ralph Heinrich, 1321 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-55)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-252

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 (Robert M. Sayers, 1401 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$338.80.

SECTION 2. That the cost of the aforesaid work, being the amount of \$338.80, 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 20 of Block 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-56)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-253

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 (Cindi Wherry, 1405 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$317.92.

SECTION 2. That the cost of the aforesaid work, being the amount of \$317.92, 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 21 of Block 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-57)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-254

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 (Fred M. Wulzen, 1409 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-58)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-255

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 (Max La Munyon, 1417 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-60)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-256

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 (Bruce A. Frauenkron, 1421 Kingsbury Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$323.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$323.22, 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 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-61)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-257

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 (Melvin L. Silveira, 2502 Hemminger Way)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$401.64.

SECTION 2. That the cost of the aforesaid work, being the amount of \$401.64, 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 26 of Block 6629 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-62)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-258

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 (Dirk Hoek, 309 Northwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$581.71.

SECTION 2. That the cost of the aforesaid work, being the amount of \$581.71, 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 6824 of Northgate Subdivision No. 1 as per map filed 6/29/56 in Vol. 18 of Maps, Page 54, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-13-03)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-259

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 (Connie C. Zavesky, 321 Northwood Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$480.80.

SECTION 2. That the cost of the aforesaid work, being the amount of \$480.80, 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 6 of Block 6824 of Northgate Subdivision No. 1 as per map filed 6/29/56 in Vol. 18 of Maps, Page 54, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-13-06)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-260

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 (Carl T. Miller, 318 Northgate Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$693.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$693.40, 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 6824 of Northgate Subdivision No. 1 as per map filed 6/29/56 in Vol. 18 of Maps, Page 54, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-13-07)

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.

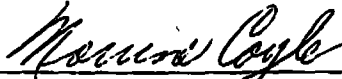
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-261

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 (Paul A. Triller, 314 Northgate Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$653.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$653.77, 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 8 of Block 6824 of Northgate Subdivision No. 1 as per map filed 6/29/56 in Vol. 18 of Maps, Page 54, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-13-08)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-262

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 (Elizabeth B. Denenholz, 310 Northgate Drive)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$544.43.

SECTION 2. That the cost of the aforesaid work, being the amount of \$544.43, 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 9 of Block 6824 of Northgate Subdivision No. 1 as per map filed 6/29/56 in Vol. 18 of Maps, Page 54, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 59-13-09)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-263

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 (Robert M. Baca, 500 Floyd Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$395.30.

SECTION 2. That the cost of the aforesaid work, being the amount of \$395.30, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

the South 173' of the North 203' of the West 74' of Lot 18 of Coffee Colony as per map filed 1/13/06 in Vol. 2 of Maps, Page 22, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 120-07-08)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-264

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 (Doralee P. Rainey, 514 Floyd Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$470.09.

SECTION 2. That the cost of the aforesaid work, being the amount of \$470.09, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 9 of Block 6922 of Montgomery Village No. 2 as per map filed 5/14/57 in Vol. 18 of Maps, Page 68, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 120-07-10)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-265

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 (Ronald Genasci, 2509 Dana Lane)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$470.09.

SECTION 2. That the cost of the aforesaid work, being the amount of \$470.09, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

... that year property of the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 10 of Block 6922 of Montgomery Village No. 2 as per map filed 5/14/57 in Vol. 18 of Maps, Page 68, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 120-07-11)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-266

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 (Dudley S. Herman, 513 Bruce Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$357.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$357.37, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 12 of Block 6922 of Montgomery Village No. 2 as per map filed 5/14/57 in Vol. 18 of Maps, Page 68, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 120-07-13)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-267

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 (Mercedes Y. Peters, 505 Bruce Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$357.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$357.37, 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 14 of Block 6922 of Montgomery Village No. 2 as per map filed 5/14/57 in Vol. 18 of Maps, Page 68, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 120-07-15)

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.

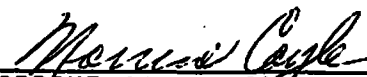
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-268

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 (May Russell, 1713 Concord Aveue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$372.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$372.40, 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, the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-32)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-269

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 (Hardy D. Crabtree, 1705 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 3 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-34)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Morrine Coyle  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-270

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 (Mary A. Prokes, 1701 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$477.23.

SECTION 2. That the cost of the aforesaid work, being the amount of \$477.23, 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 30' of Lot 5 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-35)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-271

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 (William Rutgers, 1625 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$477.23.

SECTION 2. That the cost of the aforesaid work, being the amount of \$477.23, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 6 and the South 30' of Lot 5 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-36)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-272

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 (Paul J. Fernandes, 1613 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, 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 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-40)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-273

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. Kalunian, 1609 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

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

Lot 10 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-41)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-274

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 (Howard T. Battles, 1605 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 11 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-42)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-275

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 (Calvin D. Henne, 1601 Concord Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 12 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-43)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-276

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 (Lorinda A. Navone, 1604 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

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

Lot 14 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-45)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-277

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 (Dave R. Schultz, 1608 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 15 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-46)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-278

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 (Ruth D. Edwards, 1616 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$334.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$334.06, 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 17 and the South 3' of Lot 18 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-48)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-279

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 (Burton R. Pike, 1620 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$302.24.

SECTION 2. That the cost of the aforesaid work, being the amount of \$302.24, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

the North 57' of Lot 18 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-49)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-280

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 (Conf L. Bloomingcamp, 1700 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, 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 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-52)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-281

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. Wilkinson, 1708 Albany Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$318.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$318.15, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 23 of Block 6140 of Woodman Tract as per map filed 10/18/46 in Vol. 16 of Maps, Page 6, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 118-02-54)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-282

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 (Frank T. Muratore, 552 College Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$265.50.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.50, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 47 and 48 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-01)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-283

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. MASCIORINI, JR., 538 COLLEGE AVENUE)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$398.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$398.25, 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 6, 7 and N. 12.5' of Lot 8 & S. 12.5' of Lot 5 of Block 466 of City of Modesto as per map filed 12-21-42 in Vol. 15 of Maps at Pg. 466, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 109-03-19)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-284

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 (Elizabeth M. Sanders, 516 College Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$265.50.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.50, 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 32 and 33 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-08)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-285

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 (Ignacio A. Tan, 502 College Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$398.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$398.25, 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 25, 26 and 27 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-11)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-286

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 (Carl R. Jacobsen, 505 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$265.50.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.50, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lots 21 and 22 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-13)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-287

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 (Harter R. Bruch, 509 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$331.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$331.87, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 19, 20 and the South 12.5' of Lot 18 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-14)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-288

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 (Peter Wiinikka, 515 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$331.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$331.87, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 16, 17, and the North 12.5' of Lot 18 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-15)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-289

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 (Peter Wiinikka, 519 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$331.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$331.87, 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:

Lots 14, 15, and the South 12.5' of Lot 13 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-16)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-290

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 (Keith Jones, 525 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$331.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$331.87, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 11, 12, and the North 12.5' of Lot 13 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-17)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-291

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 (William D. Reeves, 529 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$331.87.

SECTION 2. That the cost of the aforesaid work, being the amount of \$331.87, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 9, 10, and the South 12.5' of Lot 8 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-18)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-292

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 (Clara Q. Catzalco, 545 Myrtle Avenue)

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 August 23, 1988, adopt its Resolution No. 88-631, 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, February 14, 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 \$265.50.

SECTION 2. That the cost of the aforesaid work, being the amount of \$265.50, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lots 1 and 2 of Block 466 of City of Modesto as per map filed 12/21/42 in Vol. 15 of Maps, Page 466, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 109-03-21)

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 14th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-293

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 (Garrett Reimer, 1204 Fordham Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$430.78.

SECTION 2. That the cost of the aforesaid work, being the amount of \$430.78, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 9 of Block 810 of Campus Tract No. 3 as per map filed 9/2/52 in Vol. 17 of Maps, Page 42, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-33)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-294

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 (Ricky W. Robinson, 1214 Fordham Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.71.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.71, 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 Stanislaus, State of California, described as follows:

Lot 10 of Block 810 of Campus Tract No. 3 as per map filed 9/2/52 in Vol. 17 of Maps, Page 42, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-34)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-295

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 (Robert A. Midboe, 1220 Fordham Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$396.71.

SECTION 2. That the cost of the aforesaid work, being the amount of \$396.71, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 11 of Block 810 of Campus Tract No. 3 as per map filed 9/2/52 in Vol. 17 of Maps, Page 42, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-35)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-296

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 (Roxanne H. Alexander, 1230 Fordham Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$500.71.

SECTION 2. That the cost of the aforesaid work, being the amount of \$500.71, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 13 of Block 810 of Campus Tract No. 3 as per map filed 9/2/52 in Vol. 17 of Maps, Page 42, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-37)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-297

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 (Teddie M. Hanson, 1234 Fordham Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$402.16.

SECTION 2. That the cost of the aforesaid work, being the amount of \$402.16, 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 14 of Block 810 of Campus Tract No. 3 as per map filed 9/2/52 in Vol. 17 of Maps, Page 42, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-38)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-298

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 (Carol A. Wilson, 1227 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$480.18.

SECTION 2. That the cost of the aforesaid work, being the amount of \$480.18, 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 3.02' West of the Northwest corner of Lot 6 of Block 810 of Campus Tract No. 3, thence South 129.78', Westerly 90.78', North 122.09', East 90.78' to the Point of Beginning (Stanislaus County Assessor's Parcel No. 114-07-44)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-299

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 (Dale R. Warner, 1223 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$581.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$581.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

beginning 3.02' West of the Northwest corner of Lot 6 of Block 810 of Campus Tract No. 3, thence South 129.78', Easterly 110', North 125', West 110' to the Point of Beginning (Stanislaus County Assessor's Parcel No. 114-07-45)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-300

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 (Richard A. Sweeney, 1219 Princeton Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$606.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$606.55, 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 8 and the East 23.87' of Lot 7 of Block 810 of Campus Tract No. 3 as per map filed 12/7/50 in Vol. 17 of Maps, Page 17, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 114-07-46)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-301

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 (Herman C. Winters, 147 El Vista Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$347.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$347.85, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 1 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-01)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-302

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 (Pamela A. Prevet, 2114 Miller Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 6 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-06)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-303

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 (Ned R. Anderson, 2106 Miller Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 8 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-08)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-304

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 (James E. Howard, 2102 Miller Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$366.44.

SECTION 2. That the cost of the aforesaid work, being the amount of \$366.44, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 9 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-09)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-305

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 (Gerald W. Felton, 2109 Glendale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, 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 12 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-12)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-306

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 (Ralph H. Brown, 2121 Glendale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 15 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-15)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-307

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 (Mae Denison, 2125 Glendale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 16 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-16)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-308

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 (Dennis D. Berquist, 2129 Glendale Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$345.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$345.19, 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 Stanislaus, State of California, described as follows:

Lot 17 of Block 2263 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Page 43, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 116-94-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 (David A. Gough, 1426 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$385.02.

SECTION 2. That the cost of the aforesaid work, being the amount of \$385.02, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 1 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-13)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-310

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 (Yolanda H. Trujillo, 1422 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 2 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-14)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-311

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 (John L. Dawson, 1418 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

Lot 3 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-15)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-312

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 (Sidney A. Youngblood, 1414 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, 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 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-16)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-313

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 (Charles O. Johnson, 1410 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 5 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-17)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-314

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 (Norman A. Bertolosso, 1406 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$332.60.

SECTION 2. That the cost of the aforesaid work, being the amount of \$332.60, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

California, described as follows:

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-315

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 (Hank N. Vander Veen, 1402 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 7 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-19)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-316

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 (James H. Barnwell, 1318 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

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

Lot 8 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-20)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-317

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 (Everett W. Alexander, 1310 Schulenburg Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 10 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-22)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-318

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 (John L. Bonzi, 1301 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$391.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$391.25, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 13 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-25)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-319

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 (Robert M. Garcia, 1309 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$343.48.

SECTION 2. That the cost of the aforesaid work, being the amount of \$343.48, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 15 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-27)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-320

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 (Gaines E. Austin, Sr., 1313 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$343.48.

SECTION 2. That the cost of the aforesaid work, being the amount of \$343.48, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 16 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-28)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-321

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 (Michele A. Davis, 1317 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$343.48.

SECTION 2. That the cost of the aforesaid work, being the amount of \$343.48, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 17 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-29)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-322

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 (Arnold F. Burrowes, 1409 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 20 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-32)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-323

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 (Betty F. Middleton, 1413 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 21 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-33)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-324

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 (Randy R. Harris, 1417 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 22 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-34)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-325

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 (Robin A. Fithian, 1421 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$322.35.

SECTION 2. That the cost of the aforesaid work, being the amount of \$322.35, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, 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 (Sharon Azevedo, 1425 Theo Avenue)

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 August 23, 1988, adopt its Resolution No. 88-630, 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, February 14, 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 \$400.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$400.55, be assessed in three annual installments as a lien against the parcel(s) of property fronting upon the work so constructed.

Lot 24 of Block 6622 of Gregory Gardens No. 3 as per map filed 10/23/58 in Vol. 19 of Maps, Page 8, Stanislaus County Records (Stanislaus County Assessor's Parcel No. 60-03-36)

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-327

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO INFRARED HEARING AUGMENTATION  
SYSTEMS

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

SECTION 1. The plans and specifications for furnishing two infrared hearing augmentation 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 14, 1989, at 3:00 p.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 14th day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-328

**A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS FOR THE INSTALLATION OF PLAY APPARATUS IN WESSON RANCH PARK**

**WHEREAS, Resolution No. 89-45, adopted by the Council of the City of Modesto on January 17, 1989, approved the plans and specifications for the installation of play apparatus in Wesson Ranch Park**

**and authorized the calling for bids; and**

**WHEREAS, the bids received for the installation of play apparatus in Wesson Ranch Park**

**were opened at 11:00 a.m. on February 7, 1989, 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 B & L Builders in the amount of \$42,964**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders in the amount of \$42,964 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 14th day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:**

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-329

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION, INC. FOR THE RESTROOM REMODELING PROJECT AT THE CROCKER BUILDING

WHEREAS, Resolution No. 89-46, adopted by the Council of the City of Modesto on January 17, 1989, approved the plans and specifications for the restroom remodeling project at the Crocker building and authorized the calling for bids; and

WHEREAS, the bids received for the restroom remodeling project at the Crocker building were opened at 11:05 a.m. on February 7, 1989, 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 Howell Construction, Inc. in the amount of \$16,627 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howell Construction, Inc. in the amount of \$16,627 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 14th day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-330

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF  
A STARTER PANEL FROM WILLE ELECTRIC SUPPLY COMPANY

WHEREAS, Pump Station No. 24, located in Davis Park, was taken out of service on January 6, 1989, when the starter panel failed, and the Public Works Electrical Division recommended a new starter panel be purchased; and

WHEREAS, bids were obtained by the four local companies who can supply this equipment with Wille Electric Supply Company submitting the lowest bid.

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

BE IT FURTHER RESOLVED that purchase of a starter panel from Wille Electric Supply Company, Inc. in the amount of \$5,740, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-331

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO TRANSFER FUNDS FROM THE WATER FUND CONTINGENCY RESERVE TO FINANCE THE PURCHASE OF VEHICLES.

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1988-89 in the amount of \$37,200 to finance the purchase of 3 vehicles in the Water Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1988-89 Annual Budget of the City of Modesto be amended as follows:

Appropriations:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Inc/(Decrease)</u>
610/800/8000/8003	Water Fund Contingency Res.	(\$37,200)
610/700/7000/7720	Transfer Out To Fund 720	37,200
720/480/P814/6000	3 Vehicles	37,200

Revenue:

<u>Fund/Agency/Org/Object</u>	<u>Description</u>	<u>Inc/(Decrease)</u>
720/700/7000/9610	Transfer In From Fund 610	\$37,200

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 14 day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-332

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$37,200 FROM THE WATER FUND RESERVE ACCOUNT TO ALLOW FOR PURCHASE OF VEHICLES NOT PREVIOUSLY BUDGETED

WHEREAS, during last year's budget preparation process, three pickup trucks were identified by the Water Division as being close to the end of their usefulness; and

WHEREAS, despite care and maintenance, these vehicles now have deteriorated to the point that they are neither dependable nor safe.

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 \$37,200 from the Water Fund Reserve account to allow for purchase of vehicles for the Public Works Water Division.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-333

A RESOLUTION APPROVING AN EASEMENT DEED BETWEEN THE CITY OF MODESTO AND  
MODESTO IRRIGATION DISTRICT ACROSS A TRIANGLE PARK AT TUOLUMNE AND H STREETS  
FOR MODESTO IRRIGATION DISTRICT ELECTRICAL FACILITIES

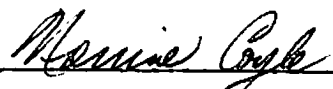
BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
easement deed between the City of Modesto and Modesto Irrigation District across  
a triangle park at Tuolumne and H Streets for Modesto Irrigation District  
electrical facilities be, and it is hereby approved.

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 14th day of February, 1989, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Sutton , was upon roll call carried and the  
resolution adopted by the following vote:

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

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-334

A RESOLUTION APPROVING THE FINAL MAP OF THE EASTRIDGE  
PLAZA NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Zagaris Management Services, Inc. is possessed of a tract  
of land situate in the City of Modesto, County of Stanislaus, consisting of  
2.076 acres, known as the Eastridge Plaza No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 16th day of March, 1987, 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 Eastridge Plaza 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of February, 1987, by Councilmember Sutton, who moved its 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, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-335

A RESOLUTION APPROVING THE FINAL MAP OF THE MOUNTAINVIEW  
TERRACE UNIT 3 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 0.943 acres, known as the Mountainview Terrace Unit 3 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 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 14 day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-336

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON ADOPTION OF STAGE 1 -  
REVISED CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that February 28, 1989 , 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 adoption of Stage 1 -  
revised Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 14th day of  
February, 1989, by Councilmember Muratore, who  
moved its adoption, which motion being duly seconded by Councilmember  
Sutton, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-337

A RESOLUTION APPROVING THE REQUEST OF HOMER J. OLSEN, INC. FOR REFUND OF \$2,402.25 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Homer J. Olsen, Inc. for refund of \$2,402.25 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 14th day of February, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-338

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KHAI TRAN FROM THE MODESTO YOUTH COMMISSION, EFFECTIVE FEBRUARY 14, 1989

WHEREAS, Khai Tran was appointed to the Modesto Youth Commission on October 25, 1988; and

WHEREAS, Khai Tran has tendered her resignation from the Modesto Youth Commission effective February 14, 1989.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Khai Tran from the Modesto Youth 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 Khai Tran for her service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-339

A RESOLUTION APPOINTING MEMBER OF THE MODESTO YOUTH COMMISSION, PETER CASTER  
(REPRESENTING MODESTO HIGH SCHOOL)

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

SECTION 1. The following person is hereby appointed to the  
Modesto Youth Commission for the respective term as indicated:

Peter Caster  
2013 Sharilyn  
Modesto, Ca. 95355

Term to expire June, 1989

(Representing Modesto High School)

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member 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 14th day of February , 19 89 ,  
by Councilmember Lang , who moved its adoption, which motion being  
duly seconded by Councilmember McGrath , was upon roll call carried and  
the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE CITY CLERK

Committees  
Youth Commission

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-340

A RESOLUTION APPOINTING MEMBERS OF THE CULTURE COMMISSION (VIRGINIA CHOATE AND MARJORIE BAKER)

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 <sup>are</sup> / hereby appointed to the Culture Commission for the respective term as indicated:

Virginia Choate  
1505 Cherrywood Drive  
Modesto, Ca. 95350  
Term to expire 1/1/90


Marjorie L. Baker  
714 Stewart Road  
Modesto, Ca. 95356  
Term to expire 1/1/93

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 14th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-341**

**A RESOLUTION APPOINTING MEMBER OF THE BOARD OF PERSONNEL APPEALS  
(ALBERTA MARTONE)**

**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 Personnel Appeals for the respective term as indicated:**

Alberta Martone  
2302 Kirkwood Avenue  
Modesto, Ca. 95350  
Term to expire 1/1/93

**SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Personnel Appeals and the Secretary thereof.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST:**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-342

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (TIMOTHY S. FISHER)

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:

Timothy S. Fisher  
1300 Marilyn Street  
Modesto, Ca. 95350  
Term to expire 1/1/93

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 14th day of February, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-343

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 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-0 TO C-1. (SINH-VIEN)

WHEREAS, on February 21, 1989, the City Council introduced Ordinance No. 2648-C.S. giving approval to a project relating to an amendment to Section 32-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, to Neighborhood Commercial Zone, C-1, property located at the eastern corner of Third and I 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 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 32-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-0, to Neighborhood Commercial Zone, C-1, property located at the eastern corner of Third and I Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-344

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(410), AS AN ADDITION TO P-D(410). (MERLE BLEDSOE)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Merle Bledsoe on November 18, 1988, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D, as an addition to P-D(410), to allow a barbershop in addition to P-O Zone uses, property located on the north side of Standiford Avenue west of Shawnee Drive, described as follows:

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

BEGINNING at the southwest corner of Lot 15 of Block 13358 of Carver Village as shown on the map recorded in Volume 25 of Maps, at page 17, Stanislaus County Records; thence North 0°42'43" West, along the west line of said Lot 15 and Lot 14, a distance of 105.01 feet to the most southwesterly corner of Lot A of Block 13358 of Carmel Woods, as shown on the map recorded in Volume 30 of Maps, at page 42, Stanislaus County Records; thence South 89°17'17" West, along the southerly line of said Lot A, a distance of 66.00 feet; thence South 0°42'43" East, along the easterly line of said Lot A, a distance of 152.96 feet to the centerline of Standiford Avenue; thence South 88°55'10" East, along said centerline, a distance of 66.04 feet; thence North 0°42'43" West, a distance of 50.01 feet to the point of beginning.

and

WHEREAS, after a public hearing held on January 17, 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. 89-8, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The P-D(410) zone addition to allow the barbershop in addition to currently-allowed P-O zone uses will be compatible with other offices uses allowed in P-D(410) on the south side of Standiford Avenue opposite this property.
2. The conditions of approval imposed on this development assure compatibility with adjacent multi-family residential uses and allow control of off-street parking design and access to Standiford Avenue.

and

WHEREAS, after a public hearing held on February 21, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Merle Bledsoe for an addition to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-8 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2650 -C.S. on the 21st day of February, 1989, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(410), as an addition to P-D(410).

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(410), as an addition to PD(410), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Plot Plan for Merle Bledsoe" as amended in red, stamped approved by the Planning Commission on January 17, 1989.
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:

Minimum six-foot double-sided wood fence with decorative masonry pilasters along the north, east, and west property lines.

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 Standiford Avenue to major street standards. 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. The Standiford 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.
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 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. 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.
10. Drainage shall be provided as required by the Public Works and Transportation Director.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
12. Trash cans shall be screened from view from any public street.
13. All signs shall comply with the sign requirements of the P-O Zone.

14. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Standiford Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
15. All curbcuts serving two-way driveways shall be 41 feet in width.
16. 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.
17. 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.
18. All conditions of City Council Resolution No. 86-1281 as amended by City Council Resolution 87-310 not in conflict with this action shall remain in full force and effect.

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(410), as an addition to PD(410), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-345

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 P-0 TO P-D(410), AS AN ADDITION TO P-D(410). (MERLE BLEDSOE)

WHEREAS, on February 21, 1989, the City Council introduced Ordinance No. 2650-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 Professional Office Zone, P-0, to Planned Development Zone, P-D(410), as an addition to P-D(410), property located on the north side of Standiford Avenue west of Shawnee 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 focussed traffic impact study in lieu of an environmental impact report in regard to the environmental impact of the subject project, and

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 Professional Office Zone, P-0, to Planned Development Zone, P-D(410), as an addition to P-D(410), property located on the north side of Standiford Avenue west of Shawnee Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-346

A RESOLUTION GRANTING THE APPEAL OF STAR ENTERPRISES TO REZONE PROPERTY FROM R-3 TO P-D(461), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF COFFEE ROAD AND SYLVAN AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Star Enterprises on August 16, 1988, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(461), to allow a retail/office complex, property located on the southeast corner of Coffee Road and Sylvan Avenue, described as follows:

Parcel A as shown upon that certain Parcel Map filed June 1, 1988 in Volume 40 of Parcel Maps, page 98, Stanislaus County Records, being a portion of Parcel 3 as shown on the map filed in Book 28 of Parcel Maps, at page 46, Stanislaus County Records and lying in the Southwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the East one-half of Coffee Road, the South one-half of Sylvan Avenue, and the West one-half of Kingswood Drive, all immediately adjacent to the above-described property.

and

WHEREAS, a public hearing was held by the Planning Commission on January 3, 1989, and continued to February 17, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing the Planning Commission was unable to reach a majority vote to approve or deny the amendment request which effected a denial of the application, 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 David C. Tanner of Star Enterprises by letter dated January 18, 1989, and

WHEREAS, a second letter from David C. Tanner of Star Enterprises dated February 6, 1989, was filed with the Office of the City Clerk to continue the hearing to February 21, 1989, 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 February 21, 1989, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the denial of the requested rezoning of the property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(461), should be granted for the following reasons:

1. The proposed P-D zone with its mixture of office and commercial uses represents reasonable land use at this major/major street intersection.
2. The proposed P-D zone provides traffic mitigation which helps provide better traffic flow at this important intersection.

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

SECTION 1. APPEAL GRANTED. The appeal of David C. Tanner of Star Enterprises to reclassify the property described above from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(461), 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(461), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Coffee Sylvan Center Star Enterprises" as amended in red, stamped approved by the City Council on February 21, 1989.
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 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:

Eight-foot decorative masonry wall 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 Coffee Road and Sylvan Avenue frontages shall be improved to major street standards including curbed medians and striped medians 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 a minimum of 41 feet in width.
8. Drainage shall be provided as required by the Public Works and Transportation Director.
9. 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.
10. 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.

11. There shall be no outside storage of any type of material except for the trash enclosures as per Condition No. 9 above.
12. All signs shall comply with the sign requirements of the C-3 Zone.
13. Prior to issuance of a building permit, as a traffic impact mitigation measure, the developer shall pay an amount as determined by the City Traffic Engineer for the following: (a) the costs of upgrading the existing traffic signals at the Sylvan Avenue/Coffee Road intersection including, but not limited to double left-turn phasing on all four approaches, (b) the costs for both curbed and striped medians on both Coffee Road and Sylvan Avenue, and (c) the costs for restriping all four approaches for double left turn lanes.

All the above shall be in accordance with engineered plans and specifications prepared by the applicant's traffic consultant and approved by the City's Traffic Engineer.

14. 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 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(461):

All development to be in one phase, construction to begin on or before February 21, 1991, and completion to be not later than February 21, 1992.

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(461), set forth in Sections 1 and 2 above, shall not become effective unless and until Ordinance No. 2651-C.S., introduced on the 21st day of February, 1989, reclassifying the property to Planned Development Zone, P-D(461), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton  
NOES: Councilmembers: 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 Proctor*  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-347

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 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-D(461). (STAR ENTERPRISES)

WHEREAS, on February 21, 1989, the City Council introduced Ordinance No. 2651-C.S. giving approval to a project relating to an amendment to Section Map 10-3-9 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(461), property located on the southeast corner of Coffee Road and Sylvan 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 10-3-9 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(461).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: 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. 89-348

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING AND INSTALLING TWO HYDRAULIC RAIL  
LIFTS

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

SECTION 1. The plans and specifications for furnishing and installing  
two hydraulic rail lifts  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 14, 1989, at 3:20 p.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 21st day of February, 1989,  
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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-349

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW SUBMERSIBLE PUMP AND DRIVER

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

SECTION 1. The plans and specifications for furnishing one new submersible pump and driver copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 14, 1989, at 3:10 p.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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-350

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR PRINTING BROCHURES FOR MODESTO CENTRE PLAZA

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

SECTION 1. The plans and specifications for printing brochures for  
Modesto Centre Plaza

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 21, 1989, at 3:00 p.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 21st day of February, 1989,  
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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-351

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF A BOILER AT THE WATER  
QUALITY CONTROL PLANT

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

SECTION 1. The plans and specifications for the installation of a  
boiler at the Water Quality Control Plant

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 21, 1989, 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 21st day of February, 1989,  
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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-352

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF 18 PICKUP TRUCKS AND ONE VAN THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Public Works-Transportation and Fire Departments have requested the purchase of 18 pickup trucks and one van to be assigned to the Service Division Pool; 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 18 pickup trucks and one van is hereby waived.

BE IT FURTHER RESOLVED that purchase of 18 pickup trucks and one van through the State of California Cooperative Purchasing Program for the total price of \$220,791.73 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 February, 1989, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-353

A RESOLUTION ACCEPTING THE JOINT STAFF REPORT TO REJECT  
TURNKEY PROCESS IN FAVOR OF A CONVENTIONAL FAST-TRACK  
PROCESS FOR THE MODESTO SURFACE WATER TREATMENT PLANT  
PROJECT.

WHEREAS, the joint staffs of the Modesto Irrigation District,  
hereinafter referred to as "M.I.D.", Del Este Water Company and the City of  
Modesto have investigated the pros and cons of the "turnkey" process in regard  
to the Surface Water Treatment Plant project, and

WHEREAS, the findings of said investigation are outlined in the  
position paper on turnkey construction presented to the City Council from the  
Joint Surface Water Study Staff dated February 15, 1989, which paper is on  
file in the Office of the City Clerk, and

WHEREAS, the joint staffs of the M.I.D., Del Este Water Company and  
the City of Modesto recommend that the turnkey process be rejected, and every  
favorable opportunity to fast-track a conventional project be utilized,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby accepts the joint staff report to reject the turnkey process in  
favor of a conventional fast-track process for the Modesto Surface Water  
Treatment Plant project and authorizes the project be done by conventional  
construction utilizing fast-track wherever possible if cost efficient and  
effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-354

A RESOLUTION REQUESTING THE MODESTO IRRIGATION DISTRICT TO BE THE LEAD AGENCY FOR THE MODESTO SURFACE WATER TREATMENT PLANT PROJECT.

WHEREAS, the Modesto Irrigation District, hereinafter referred to as the "M.I.D.", and the City of Modesto authorized, received, and accepted a Water Management Study prepared by James M. Montgomery Consulting Engineers, Inc., dated November 1984, and

WHEREAS, the Water Management Study recommends in part, that the City of Modesto and Del Este Water Company contract with the M.I.D. for treated surface water to supplement their ground water supplies, and

WHEREAS, by a memorandum to the City Manager from the Public Works and Transportation Director dated February 15, 1989, City staff recommended that the Board of Directors of the M.I.D. be requested to be the lead agency for the project for the following reasons:

1. The M.I.D. is in the position to act as a neutral third party in dealings between the City of Modesto and Del Este Water Company.
2. The M.I.D. staff has greater experience and much more depth of personnel for major construction projects.
3. The M.I.D.'s financial position is superior.
4. The M.I.D. has the background and expertise in water rights.
5. The M.I.D. already has the right-of-way for most of the transmission lines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests the Board of Directors of the Modesto Irrigation District to be the lead agency for the Modesto Irrigation District Surface Water Treatment Plant project for the reasons mentioned above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-355

A RESOLUTION CONCURRING WITH THE RECOMMENDATION OF THE COUNTY OF STANISLAUS RELATING TO THE REVISION OF TIPPING FEES AT THE CITY/COUNTY GEER ROAD LANDFILL AND AT THE STANISLAUS RESOURCE RECOVERY FACILITY.

WHEREAS, at the February 14, 1989, Stanislaus County Board of Supervisors meeting, the Board took action to revise the tipping fee schedule at the Geer Road Sanitary Landfill, the Fink Road Sanitary Landfill, and the Stanislaus Resource Recovery facility, all to be effective March 1, 1989, and

WHEREAS, the City of Modesto is in joint ownership with Stanislaus County at the Geer Road Landfill, and

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

WHEREAS, it is appropriate for the City of Modesto to consider the revision of tipping fees at the City/County Geer Road Landfill, and

WHEREAS, it is appropriate for the City of Modesto to consider the establishment of tipping fees at the Stanislaus Resource Recovery facility, and

WHEREAS, the increases at the Geer Road Landfill are to help pay for the mitigation actions required to close down the landfill in an environmentally safe condition at the time of future closure, and

WHEREAS, City staff believes there is a need for a quarterly written financial statement from Stanislaus County for the Geer Road enterprise fund and the Resource Recovery account (Stanislaus County Resource Recovery facility) to allow the City to be kept up to date on the financial aspects of both facilities, and

WHEREAS, City staff recommends that the City Council concur with the revision of tipping fees as established by Stanislaus County on the attached Exhibit "A", and

WHEREAS, City staff further recommends that a quarterly financial statement on the Geer Road Landfill enterprise fund and the Resource Recovery account be requested from Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with the revision of tipping fees at the City/County Geer Road Landfill and the establishment of tipping fees at the Stanislaus County Resource Recovery facility as recommended by the County of Stanislaus on the attached Exhibit "A".

BE IT FURTHER RESOLVED that the County of Stanislaus is hereby requested to prepare a quarterly financial statement on the Geer Road Landfill enterprise fund and the Resource Recovery account.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to transmit a copy of this resolution to the Stanislaus County Board of Supervisors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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

**GEER ROAD SANITARY LANDFILL**

	<u>Effective 4/1/86</u>	<u>Effective 1/1/87</u>	<u>Effective 3/1/89</u>
Passenger car or stationwagon	\$3/load	\$4/load	\$5/load
Pickup trucks	\$5/load	\$7/load	\$10/load
Two-wheel trailer-12' max. length	\$5/load	\$7/load	\$10/load
Four-wheel trailer-12' max. length	\$7.50/load	\$10/load	\$15/load
<b>Tires:</b>			
Passenger	\$.50/tire	\$.50/tire	\$.50/tire
Truck	\$1/tire	\$1/tire	\$1/tire
Tractor	\$2/tire	\$2/tire	\$2/tire
 Infectious Waste	 \$30/ton	 \$40/ton	 \$40/ton
 <b>Commercial:</b>			
Typical	\$10/ton	\$15/ton	\$30.25/ton
Inert	\$3/ton	\$3/ton	\$5/ton
Hard-to-Handle	\$15/ton	\$20/ton	\$35/ton
Minimum commercial coverage	\$5/ton	\$7/ton	\$10/ton
 Special Handling	 Actual Cost	 Actual Cost	 Actual Cost

**STANISLAUS RESOURCE RECOVERY FACILITY**

Commercial (Waste to Plant)	\$22/ton
By-pass waste	\$25/ton
Reject Waste	\$25/ton
Combustion Ash	\$35/ton

EXHIBIT A

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-356

A RESOLUTION APPROVING A CONTRIBUTION TO THE SAN JOAQUIN VALLEY-WIDE AIR QUALITY STUDY.

WHEREAS, the San Joaquin Valley Air Basin incurs unique and difficult air pollution control problems due to a combination of meteorological, topographical and economic factors, and

WHEREAS, the San Joaquin Valley Air Basin is designated a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone by the Environmental Protection Agency in accordance with the 1977 Clean Air Act, and

WHEREAS, the State of California Air Resources Board has determined that the ozone and particulate matter problems in the San Joaquin Valley are of national significance due to the region's economic importance, and that because of the significance of the problems, has resolved to support a regional air quality study, and

WHEREAS, the San Joaquin Valley-wide Study would involve obtaining funding to identify the chemical components and contributions of each of the pollution sources to the total air pollution problem in the San Joaquin Valley, and

WHEREAS, the Council by its Resolution No. 88-845 adopted on November 8, 1988, supported the San Joaquin Valley-wide Air Pollution Study, and

WHEREAS, the Stanislaus County Board of Supervisors took action at its February 7, 1989, meeting to commit \$50,000 to the San Joaquin Valley-wide

Air Quality Study, said amount is based on a per capita formula of \$.50 for every resident in the unincorporated area, and

WHEREAS, the Stanislaus County Board of Supervisors has requested the Modesto City Council to make a contribution to the Study based upon the same \$.50 per resident formula,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby makes a financial commitment to help fund the San Joaquin Valley-wide Air Quality Study, and approves a contribution in the amount of \$72,261, to be paid over three years in equal amounts, for the purpose of said Study based upon the per capita formula of \$.50 per resident and a population rate of 144,700.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Patterson, Sutton,  
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. 89-357

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** IN THE AMOUNT OF \$72,261 TO FUND A CONTRIBUTION TO THE SAN JOAQUIN VALLEY WIDE AIR QUALITY STUDY, TO BE PAID OVER THREE YEARS

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

FROM: Contingency Reserve \$24,087  
(010 800 8000 8003)

TO: Services Professional and Other \$24,087  
(010 502 6502 0235)

Need for the first 1/3rd of the \$72,261 City of Modesto share of the cost of the San Joaquin Valley Wide Air Quality Study as requested by the Stanislaus County Board of Supervisors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Muratore

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-358

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN STREAM RESTORATION PROGRAM UNDER THE STATE DEPARTMENT OF WATER RESOURCES FOR THE FOLLOWING PROJECT: DRY CREEK BANK IMPROVEMENTS.

WHEREAS, the State Department of Water Resources 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 Water Resources require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the state, and

WHEREAS, said application(s) contain assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for development of the project,

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

1. Approves the filing of an application under the Urban Stream Restoration Program of the State Department of Water Resources, and
2. Certifies that said applicant understands the assurances and certification in the application form, and
3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project, and

4. Appoints the City Manager or his designated representative 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-359

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND C.L. BRYANT, INC. FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 237 E. WHITMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and C.L. Bryant, Inc. for water service to property outside City limits at 237 E. Whitmore Avenue, located on the north side of Whitmore Avenue between Crows Landing Road and Nickerson 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-360

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK  
MEADOWS NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 24.136 acres, known as the Dry Creek Meadows No. 4 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 April, 1987, 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 Meadows 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,

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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-361

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK MEADOWS NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 17.252 acres, known as the Dry Creek Meadows No. 5 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 April, 1987, 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 Meadows 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-362

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK  
MEADOWS NO. 6 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 25.109 acres, known as the Dry Creek Meadows No. 6 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 April, 1987, 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 Meadows No. 6 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-363

A RESOLUTION APPROVING THE FINAL MAP OF THE BEACON HILL  
NO. 2 PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Donald Lawrie, a married man, as his separate property, doing business as Lawrie Development Company; and Pacific Adult Communities, a California corporation, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 10.093 acres, known as the Beacon Hill No. 2 Phase 2 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 May, 1987, 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 Beacon Hill No. 2 Phase 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-364

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY  
HOMES PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, N. T. Hill, Inc., a California corporation, dba: R. J. Hill Company is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.056 acres, known as the Park Valley Homes Phase 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1987, 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 Park Valley Homes Phase 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 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-365

A RESOLUTION ACCEPTING IMPROVEMENTS IN ASHTON SQUARE SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Charles Duerner Construction, subdividers of Ashton Square Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$3,100.00 and \$1,550.00 respectively to guarantee improvements in Ashton Square Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated February 13, 1989, 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 Ashton Square Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$3,100.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of \$1,555.00 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 21st day of February, 1989, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-366

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 TO COVER THE ADDITIONAL COST OF REROOFING THE AIRPORT ADMINISTRATION BUILDING

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

FROM: Control Panel Lighting \$1,500  
(631 480 5412 5600)

TO: Reroof Airport Admin. Building \$1,500  
(631 480 5412 5601)

Additional funds are needed to cover the cost of reroofing the Airport Administration Building.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-367

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK AVIATION FUEL, INC. TO CONSTRUCT A FUEL FARM AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc. to construct a fuel farm at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1989, by Councilmember Sutton, 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, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-368

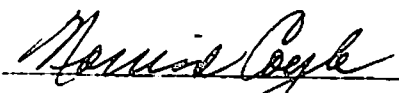
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO REDS BASEBALL CLUB, INC. DOING BUSINESS AS MODESTO A'S, FOR THE USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Reds Baseball Club, Inc. doing business as Modesto A's, for the use of John Thurman Field be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 1989, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-369

A RESOLUTION APPOINTING MEMBERS OF 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 appointed to the Landmark Preservation Commission

Richard Barhite  
Corinne P. Rowe  
Dennis Smith  
Allan Wooten  
Bea Acosta  
Buddy T. Iwata

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Landmark Preservation 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 21st day of February, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-370

A RESOLUTION ORDERING THE HATCH ROAD NO. 5 REORGANIZATION  
TO THE CITY OF MODESTO (UNINHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated October 26, 1988, approved the proposed Hatch Road No. 5 Reorganization to the City of Modesto upon the condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Hatch Road No. 5 Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by said resolution found that the territory included in the proposed Hatch Road No. 5 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 Industrial Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1; (d) the boundaries of the proposal being modified to include all of the T.I.D. Lateral No. 1 adjacent to the subject territory; all of the Hatch Road right-of-way adjacent to the subject territory; and Tax Assessor's Parcel 56-25-7; and (e) that the proponents prepare a new legal description and map prior to the Executive Officer notifying the City Clerk of the outcome of this proposal, and

WHEREAS, although the Stanislaus County Local Agency Formation Commission approved this Reorganization on October 26, 1988, City staff received LAFCO Resolution No. 88-48 on January 26, 1989. The LAFCO staff could not complete and distribute the resolution until after the proponents submitted a revised legal description and map to include the City parcel and all of Hatch Road and the TID lateral adjacent to the subject territory. The TID lateral east of the subject territory is already in the City, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on October 26, 1988, 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 allow the property to be developed in a manner consistent with the General Plan and proposed R-1 zoning

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 28th day of February, 1989, 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 February 28, 1989, 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 upon all protests made to the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land within the affected territory prior to said hearing, and

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 have been complied with.
2. That the area or territory designated as the Hatch Road No. 5 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 Industrial 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 28 day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 K. Chustars  
Public Works and Transportation  
Department - Engineering Division

# R. B. WELTY & ASSOCIATES, INC.

ENGINEERS — SURVEYORS — PLANNERS

MAILING ADDRESS, PO Box 1724  
521-13th Street  
Modesto, California 95353-1724

TELEPHONE (209) 526-1515  
FAX# (209) 523-3383

RB WELTY CE PE LS  
FJ REICHMUTH CE SE  
DD ROMANO CE  
RL SANCHEZ LS

Job No. 57157  
6 March, 1989

## Hatch Road No. 5 Reorganization to the City of Modesto

All that certain piece or parcel of land being a portion of the East half of Section 7, Township 4 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING for reference at the East quarter corner of the above mentioned Section 7 and proceeding thence North  $89^{\circ}58'58''$  West along the East-West quarter line through said Section a distance of 1320.48 feet to the TRUE POINT OF BEGINNING;

Thence leaving said quarter section line and proceeding North  $0^{\circ}19'05''$  East a distance of 1372.57 feet to a point on the South right-of-way line of a county road known as Hatch Road;

Thence continuing North  $0^{\circ}19'05''$  East a distance of 275 feet, more or less, to a point in the centerline of the Tuolumne River;

Thence upstream in a Northeasterly direction along said centerline a distance of 366 feet, more or less;

Thence leaving said centerline and proceeding South  $0^{\circ}03'47''$  West a distance of 270 feet, more or less, to a point on the above mentioned South right-of-way line of Hatch Road;

Thence continuing South  $0^{\circ}03'47''$  West a distance of 1437.20 feet to a point on the South line of the 50.00 foot right-of-way for the Turlock Irrigation District's Lateral No. 1;

Thence along last said line the following courses and distances:

North  $89^{\circ}31'44''$  West; 120.52 feet;

South  $63^{\circ}26'11''$  West; 131.17 feet;

South  $41^{\circ}25'17''$  West; 150.02 feet;

Thence leaving last said line and proceeding North  $48^{\circ}33'43''$  West a distance of 50.00 feet to a point on the Northerly line of the 50.00 foot wide right-of-way for the Turlock Irrigation District's Lateral No. 1;

Thence North  $0^{\circ}17'17''$  East a distance of 189.96 feet to the TRUE POINT OF BEGINNING.

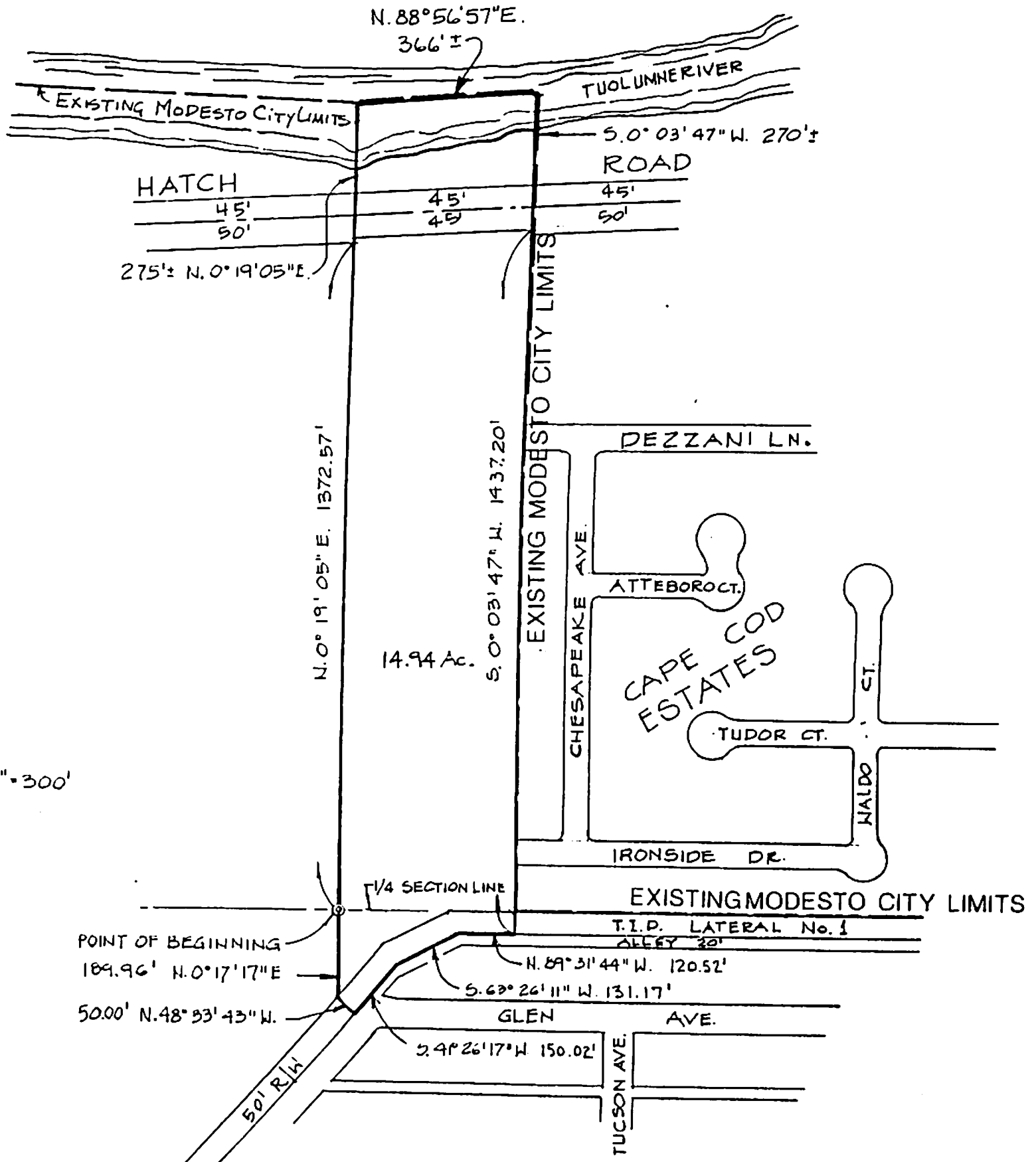
SUBJECT TO all Easements and Rights-of-Way of Record.  
Containing 14.94 Acres, more or less.

Approved as to description

ON March-9-1989

BY [Signature]

# HATCH ROAD No. 5 REORGANIZATION TO THE CITY OF MODESTO



SCALE 1" = 300'

Approved as to description

ON MARCH 9 - 1989  
 BY [Signature]

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-371

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(30), AS AN ADDITION TO P-D(30). (GOULD MEDICAL FOUNDATION)

WHEREAS, a verified application for an amendment to Sections 22-3-9 and 27-3-9 of the Zoning Map was filed by Gould Medical Foundation on January 27, 1988, to rezone from R-1, Low Density Residential Zone, and R-2, Medium Density Residential Zone, to Planned Development Zone, P-D(30), as additions to P-D(30), a three-phase comprehensive expansion program for the Gould Medical facility including utilization of two dwellings on Locke Road for office/lab space, a 2.25-acre parking area on Sunnyside Avenue, and a 44,670-square foot building addition at the corner of Coffee Road and Lucern Avenue, and

WHEREAS, a public hearing was held by the Planning Commission on March 21, 1988, 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 the March 21, 1988, meeting, the Planning Commission determined that a traffic study was needed and directed the applicant to cause the study to be prepared prior to further Commission action, and

WHEREAS, in lieu of the traffic study, on November 30, 1988, the applicant submitted revised plans which constitute a diminished project, deleting the 44,670-square foot multi-story building and another new building, leaving only the request for the large parking area and utilization of the two Locke Road dwellings for office/lab purposes, and

WHEREAS, the diminished project does not require a traffic study according to the City's recently established traffic study policy, and

WHEREAS, by separate Resolution No. 89-9, the Planning Commission denied the rezoning from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(30), for use as offices, and

WHEREAS, a revised application for an amendment to Section 27-3-9 of the Zoning Map was filed by Gould Medical Foundation on January 27, 1988, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, as an addition to P-D(30), to allow a 272-space parking area on a 2.25-acre parcel, property located on the west side of Sunnyside Avenue south of Lucern Avenue, described as follows:

R-2 to P-D(30)

Lots 6, 11 and 14 of SUNNYSIDE ACRES, in the City of Modesto, County of Stanislaus, State of California, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on May 24, 1911 in Volume 5 of Maps, at page 45.

and

WHEREAS, after a public hearing held on January 17, 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. 89-10, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed parking area is for exclusive employee use which will allow the closer and more convenient parking areas to better fulfill the higher turnover parking needs.
2. The creation of the additional parking facilities does not in itself generate more neighborhood traffic, but rather provides for that

generated by the existing development.

and

WHEREAS, after a public hearing held on February 28, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Gould Medical Foundation for an addition to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-10 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2652 -C.S. on the 28th day of February, 1989, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to P-D(30).

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(30), as an addition to P-D(30), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Additions to Gould Medical Group" as amended in red, stamped approved by the City Council on February 28, 1989.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping shall be installed along the north, south, and west boundaries of the new Sunnyside Avenue 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. Six-foot masonry pilaster and double-sided wood, stucco, or masonry wall or fence along the north, south, and west boundaries of the new Sunnyside Avenue parking area.

4. The parking area on the west side of Sunnyside Avenue, south of Lucern Avenue, shall be for employees of the Gould Medical Group only and said parking area shall be signed as such.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. That the Sunnyside Avenue frontage of the new parking area and extending north to Lucern Avenue shall be developed to collector street standards including the dedication of right-of-way to provide a 30-foot width west of the centerline and the construction of street improvements in accordance with City of Modesto Standard Specifications.
7. 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.
8. That ten-foot wide public utility easements shall be dedicated along the Lucern and Sunnyside Avenue frontages of the property.
9. That payment shall be made to the City for the planting of street trees along the Lucern and Sunnyside Avenue frontages 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 Director of Public Works and Transportation.
10. Drainage shall be provided as required by the Director of Public Works and Transportation.
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 shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
13. All signs shall comply with the sign requirements of the P-0 Zone.
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 of the provisions of Modesto City Council Resolution No. 67-352, 71-1131, 81-1031, and 86-171 that are not amended nor affected by the provisions of this resolution shall remain in full force and effect.

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. 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(30), as an addition to P-D(30), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Ulthas Divise  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-372

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 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(30), AS AN ADDITION TO P-D(30). (GOULD MEDICAL FOUNDATION)

WHEREAS, on February 28, 1989, the City Council introduced Ordinance No. 2652-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 Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to P-D(30), property located on the west side of Sunnyside Avenue south of Lucern 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 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to P-D(30), property located on the west side of Sunnyside Avenue south of Lucern Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, 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. 89-373

A RESOLUTION AMENDING RESOLUTION NO. 88-649 AND CHANGING THE RATE OF CAPITAL FACILITIES FEES APPLICABLE TO NEW DEVELOPMENT IN THE CITY OF MODESTO.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging capital facilities fees, and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 88-649, and

WHEREAS, a detailed report on the impacts of contemplated future build-out development of the Modesto Urban Area on existing public facilities, along with an analysis of the need for new public facilities and improvements required by future development, has been prepared by Recht Hausrath and Associates, and is available in a document titled "Capital Facilities Fee Program", dated February 10, 1989, and

WHEREAS, said report establishes the factual basis for adjusting or creating fees for the following: police facilities, parks and recreation facilities, wastewater treatment facilities, fire facilities, other City facilities, and capital facilities fees administration, and

WHEREAS, said report does not address fees for traffic facilities; it is contemplated that fees for traffic facilities will be addressed by an additional Recht Hausrath and Associates report that will be forthcoming in the late summer or early fall of 1989; in the meantime, the current capital facilities fees for the expressway loop, traffic signals, and street lights

**AMENDED**  
on \_\_\_\_\_  
By Resolution 1990-36

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-373

A RESOLUTION AMENDING RESOLUTION NO. 88-51 AND CHANGING  
THE RATE OF CAPITAL FACILITIES FEES APPLICABLE TO NEW  
DEVELOPMENT IN THE CITY OF MODESTO.

WHEREAS, the City Council of the City of Modesto has adopted Modesto  
Municipal Code Sections 8-1.904 et seq. creating and establishing the  
authority for imposing and charging capital facilities fees, and

WHEREAS, the current Capital Facilities Fees are set forth in  
Resolution No. 88-51, and

WHEREAS, a detailed report on the impacts of contemplated future  
build-out development of the Modesto Urban Area on existing public facilities,  
along with an analysis of the need for new public facilities and improvements  
required by future development, has been prepared by Recht Hausrath and  
Associates, and is available in a document titled "Capital Facilities Fee  
Program", dated February 10, 1989, and

WHEREAS, said report establishes the factual basis for adjusting or  
creating fees for the following: police facilities, parks and recreation  
facilities, wastewater treatment facilities, fire facilities, other City  
facilities, and capital facilities fees administration, and

WHEREAS, said report does not address fees for traffic facilities;  
it is contemplated that fees for traffic facilities will be addressed by an  
additional Recht Hausrath and Associates report that will be forthcoming in  
the late summer or early fall of 1989; in the meantime, the current capital  
facilities fees for the expressway loop, traffic signals, and street lights

are set forth in this resolution for the sake of administrative convenience,  
and

WHEREAS, the Recht Hausrath and Associates report sets forth the relationship between contemplated future development, the public facilities set forth in the report, and the estimated cost of said facilities, and

WHEREAS, this report was 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 the fees hereinafter set forth is to finance municipal public facilities to reduce the impacts caused by future development in the City of Modesto. Such improvements include but are not limited to expansion, construction, development and/or acquisition of a new police station, police vehicles, various parks and recreation facilities, wastewater treatment facilities, fire stations, fire administration building, fire vehicles, various other fire facilities, city hall office space and equipment, miscellaneous City vehicles, and City corporation yard;

(b) The fees collected pursuant to this resolution shall be used to finance the municipal public facilities identified in Exhibit "A", attached hereto and incorporated by reference;

(c) After considering the report prepared by Recht Hausrath and Associates, and the testimony received at this public hearing, the City Council hereby approves and adopts said report, and incorporates the same herein, and further finds that future development in the City of Modesto as set forth in said report will generate additional demands of municipal services;

(d) As development occurs there will be a need in the City of Modesto for expanded or newly constructed municipal public facilities including but not limited to the expansion, construction, development and/or acquisition of a new police station, police vehicles, various parks and recreation facilities, wastewater treatment facilities, fire stations, fire administration building, fire vehicles, various other fire facilities, city hall office space and equipment, miscellaneous City vehicles, and City corporation yard. Said facilities have been called for and/or are consistent with the City's General Plan. The City has commenced a review of the existing General Plan for the purposes of determining the need to revise standards contained in the existing General Plan. If, upon completing its review, the City determines to amend the General Plan, this resolution will be revised if necessary to reflect the additional impacts, needs or standards identified in the amendment;

(e) The report prepared by Recht Hausrath and Associates and the testimony established:

- (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 fees are charged,
- (2) That there is a reasonable relationship between the fees 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".

(f) The Recht Hausrath and Associates report titled "Capital Facilities Fee Program" dated February 10, 1989, is a detailed analysis of what public facilities will be required to serve residential, industrial and commercial development added to the City of Modesto up to the build-out of the Urban Reserve Area defined in the City's General Plan. Said report also determines the deficiencies that currently exist in the existing public facilities.

(g) The method of allocation of the capital facilities fees 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 fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 88-649 is hereby amended to read as follows:

1. FEE IMPOSED.

- (a) A capital facilities fee shall be charged and paid at the time of issuance of the building permit for development. The Chief Building Official or his designee shall determine the amount of the fee in accordance with the standards set forth in this resolution.
- (b) To the extent permitted by law, the fee authorized by Modesto Municipal Code Sections 8-1.901 et seq., and established by this resolution, shall be paid prior to occupancy by any development built by any entity that is not required to obtain a building permit from the City of Modesto.

(f) The Recht Hausrath and Associates report titled "Capital Facilities Fee Program" dated February 10, 1989, is a detailed analysis of what public facilities will be required to serve residential, industrial and commercial development added to the City of Modesto up to the build-out of the Urban Reserve Area defined in the City's General Plan. Said report also determines the deficiencies that currently exist in the existing public facilities.

(g) The method of allocation of the capital facilities fees 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 fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 88-51 is hereby amended to read as follows:

1. FEE IMPOSED.

- (a) A capital facilities fee shall be charged and paid at the time of issuance of the building permit for development. The Chief Building Official or his designee shall determine the amount of the fee in accordance with the standards set forth in this resolution.
- (b) To the extent permitted by law, the fee authorized by Modesto Municipal Code Sections 8-1.901 et seq., and established by this resolution, shall be paid prior to occupancy by any development built by any entity that is not required to obtain a building permit from the City of Modesto.

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amount specified in the following paragraphs:

(a) Police Facilities

(1) Residential:

Low density residential use	\$ 404.00/unit
Medium density residential use	339.00/unit
Medium-high density residential use	244.00/unit

(2) Non-residential:

Office	\$ 0.26/square foot
Commercial	0.16/square foot
Industrial	0.11/square foot
Care Homes (day care, convalescent and retirement)	0.16/square foot
Churches and private schools	0.11/square foot
Hospitals	0.26/square foot
Fast Food Restaurants	0.16/square foot
Convenience Marts	0.16/square foot

(b) Parks and Recreation Facilities

(1) Residential:

Low density residential use	\$1,445.00/unit
Medium density residential use	1,239.00/unit
Medium-high density residential use	860.00/unit

(2) Non-residential:

Office	no fee
Commercial	no fee
Industrial	no fee
Care Homes (day care, convalescent and retirement)	no fee
Churches and private schools	no fee
Hospitals	no fee
Fast Food Restaurants	no fee
Convenience Marts	no fee

(c) Wastewater Treatment Facilities

(1) Residential:

Low density residential use	\$ 187.00/unit
Medium density residential use	160.00/unit
Medium-high density residential use	111.00/unit

(2) Non-residential:

Office	\$	0.06/square foot
Commercial		0.04/square foot
Industrial		0.03/square foot
Care Homes (day care, convalescent and retirement)		0.04/square foot
Churches and private schools		0.03/square foot
Hospitals		0.06/square foot
Fast Food Restaurants		0.04/square foot
Convenience Marts		0.04/square foot

(3) Industrial:

Special (Industrial development which results in wastewater discharge from other than standard plumbing fixtures will incur a fee in addition to the 0.03/square foot fee listed above for industrial uses; this fee to be determined on a case-by-case basis)

(d) Fire Facilities

(1) Residential:

Low density residential use	\$	180.00/unit
Medium density residential use		153.00/unit
Medium-high density residential use		109.00/unit

(2) Non-residential:

Office	\$	0.12/square foot
Commercial		0.07/square foot
Industrial		0.06/square foot
Care Homes (day care, convalescent and retirement)		0.07/square foot
Churches and private schools		0.06/square foot
Hospitals		0.12/square foot
Fast Food Restaurants		0.07/square foot
Convenience Marts		0.07/square foot

(e) Other City Facilities

(1) Residential:

Low density residential use	\$	246.00/unit
Medium density residential use		208.00/unit
Medium-high density residential use		148.00/unit

(2) Non-residential:

Office	\$	0.16/square foot
Commercial		0.10/square foot
Industrial		0.07/square foot
Care Homes (day care, convalescent and retirement)		0.10/square foot
Churches and private schools		0.07/square foot
Hospitals		0.16/square foot
Fast Food Restaurants		0.10/square foot
Convenience Marts		0.10/square foot

(f) Capital Facilities Fees Administration Fee

(1) Residential:

Low density residential use	\$	34.00/unit
Medium density residential use		29.00/unit
Medium-high density residential use		21.00/unit

(2) Non-residential:

Office	\$	0.02/square foot
Commercial		0.01/square foot
Industrial		0.01/square foot
Care Homes (day care, convalescent and retirement)		0.01/square foot
Churches and private schools		0.01/square foot
Hospitals		0.02/square foot
Fast Food Restaurants		0.01/square foot
Convenience Marts		0.01/square foot

NOTE: The following are existing fees which are included in this resolution for the sake of administrative convenience only, they are not addressed by the Recht Hausrath and Associates report.

(g) Expressway Loop Facilities Fee

(1) Residential:

Low density residential use	\$	113.00/unit
Medium density residential use		87.00/unit
Medium-high density residential use		65.00/unit

(2) Non-residential:

Office		0.61/square foot
Commercial		1.07/square foot
Industrial		0.05/square foot
Care Homes (day care, convalescent and retirement)		0.02/square foot
Churches and private schools		0.23/square foot
Hospitals		0.61/square foot
Fast Food Restaurants		2.83/square foot
Convenience Marts		6.57/square foot

(h) Street Light Facilities Fee

(1) Residential:

Low density residential use	\$	0.72/unit
Medium density residential use		0.55/unit
Medium-high density residential use		0.41/unit

(2) Non-residential:

Office	0.004/square foot
Commercial	0.01/square foot
Industrial	0.003/square foot
Care Homes (day care, convalescent and retirement)	0.01/square foot
Churches and private schools	0.001/square ft
Hospitals	0.004/square foot
Fast Food Restaurants	0.02/square foot
Convenience Marts	0.04/square foot

(i) Traffic Signal Facilities Fee

(1) Residential:

Low density residential use	\$	44.00/unit
Medium density residential use		34.00/unit
Medium-high density residential use		25.00/unit

(2) Non-residential:

Office	0.24/square foot
Commercial	0.41/square foot
Industrial	0.02/square foot
Care Homes (day care, convalescent and retirement)	0.01/square foot
Churches and private schools	0.09/square foot
Hospitals	0.24/square foot
Fast Food Restaurants	1.09/square foot
Convenience Marts	2.54/square foot

3. EXEMPTIONS FROM FEE.

(a) The capital facilities fees established by this resolution shall not be imposed on any of the following:

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

- (2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.
- (3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.
- (4) Any alteration or addition to a residential structure, except to the extent that additional units are created.
- (5) Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished except to the extent that additional units are created.
- (6) Any replacement or reconstruction of an existing non-residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished unless the replacement or reconstruction increases the square footage of the structure ten percent (10%) or more,

changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends.

- (b) Whenever the alteration, addition, replacement or reconstruction is not exempt pursuant to the provisions hereinabove, the fee shall be imposed only on the additional units, change in use, or additional trips generated.

4. USE OF FEE REVENUES.

- (a) The revenues raised by payment of the capital facilities 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:
  - (1) To pay for design and construction of designated public facilities, the purchase of designated equipment, and reasonable costs of outside consultant studies related thereto;
  - (2) 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;
  - (3) 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
  - (4) To pay for and/or reimburse costs of program development and ongoing administration of the capital facilities fee program.

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

NOTE: Fund 137 - Senior Citizens Center Capital Facilities Fee Fund is hereby transferred to Fund No. 135 - Parks and Recreation Capital Facilities Fee Fund.

Fund 138 - City Hall Expansion Capital Facilities Fee Fund is now known as Fund No. 138 - Other City Capital Facilities Fee Fund.

6. EXPENDITURE OF THE FEES.

- (a) Fees in the capital facilities funds shall be expended only for those facilities listed in Exhibit "A" and only for the purpose for which the fee was collected with primary consideration to areas of the City in which development has taken place and in which the fees have been paid.
- (b) The standards upon which the needs for facilities are based are the standards of the City. These standards are reflected in the Recht Report and will also appear in the Land Use Element of the City's General Plan which is now in the process of being revised. The City has undertaken an ongoing capital improvement program to implement the projects necessary to achieve those standards and the City will remedy existing deficiencies without using proceeds of the Capital Facilities Fee.

7. ADMINISTRATIVE REGULATIONS.

The Chief Building Official or his designee may develop rules and regulations for the effective implementation and administration of the capital facilities fee.

8. ANNUAL REVIEW.

- (a) On or about June 30th of each year beginning June 30, 1990, the Finance Director shall review the estimated cost of the capital improvements described in Exhibit "A", the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which the fees established by this resolution are charged. The Finance Director shall report his findings to the City Council at a noticed public hearing and recommend any adjustment to the capital facilities fees established by this resolution or any other action as may be needed.
- (b) In addition to the annual review provided for in the preceding subparagraph, on or about September 30th of each year commencing September 30, 1989, the capital facilities fees established by this resolution shall be adjusted in accordance with the Building Cost Index of the United States as published by the Engineering News Record. The base line date for the first such adjustment shall be January 1, 1989. The timing of such adjustments shall be such that the adjusted fee shall take effect on or about January 1st of each year.

9. SUBSEQUENT ANALYSIS OF FEE.

The fee established herein is adopted and implemented by the Council and reliance on the comprehensive report that has been prepared for the City by Recht Hausrath and Associates. The City will continue to conduct further studies and analysis to determine whether the fee should be revised. When additional information is available, the City Council shall review this fee to determine that the fee amounts are reasonably related to the impact of future development in the City of Modesto. The City Council may revise the fee to incorporate the findings and conclusions of further studies and any

standards in the City's revised General Plan.

10. EFFECTIVE DATE OF CAPITAL FACILITIES FEES ESTABLISHED.

This resolution shall become effective sixty (60) days after its adoption.

11. EXEMPTION FROM CEQA.

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:

- (1) The fees established by this ordinance 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, including the construction of police, fire, parks and recreation, and wastewater treatment facilities, as well as the purchase of certain items of capital equipment.
- (2) To a limited extent, the fees established or modified by this resolution will be used to fund some new facilities, such as a park, in new neighborhoods outside existing service areas. However, the addition of capital facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said capital facilities via the capital facilities fee mechanism established or modified by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either establishes or modifies capital facilities fees to fund the capital facilities that will be necessary in the event growth continues to occur 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 28th day of February, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

The following list of projects has resulted from a comprehensive assessment of the facilities required to accommodate growth. The list is compiled from tables in the report documenting these needs and the basis for development fees ("Capital Facilities Fee Report"). (The table and page numbers are those of this report.)

It should be understood that the facilities listed will accommodate growth to buildout of the City of Modesto planning area. This amount of growth is projected to occur over approximately 25 years. While the facilities to be developed in the next few years are fairly well defined, the exact location, size and cost of individual facilities to be developed in later years is often undetermined. Furthermore, the manner in which city services are provided gradually evolves over time. In other words, this list is the best statement of facility needs that can be made at this time; it is intended that it will be continually updated as plans become more definitive.

### PROJECTS

#### Police

Administration building expansion, new parking garage, storage and service buildings - Table III-1.  
Vehicles for new staff - Table III-4.

#### Parks

Projects identified in Table IV-7.

#### Wastewater Treatment

Treatment plant expansion, completed 1988 - Table V-3.  
Fixed Film Reactor - Table V-3.  
Treatment plant expansion to buildout - Table V-3.

#### Fire

Projects identified in Tables VI-4 and VI-5.

#### Other City Facilities and Equipment

Administration Building expansion - Table VII-1.  
Parking - Table VII-1.  
Vehicles - Table VII-1.  
Corporation yard expansion - Table VII-1.

Table III-1

POLICE FACILITY PROJECT  
(1989 Construction Cost Estimates)

<u>Police Building</u>	<u>Cost (nearest 100)</u>
1. Remodelling existing 24,000 square foot building	\$1,000,000
2. New Police Building	14,665,100
Building demolition and site preparation 42,000	
Construction of new 52,000 square	
foot building	12,267,800
Temporary parking lot	63,000
Architectural, engineering, inspection fees	
and construction management	1,128,500
Project costs to date	1,163,800
3. Equipment for new building	525,000
4. Service yard, landscaping, fencing	525,000
5. Communication center outfitting	840,000
 <u>New Storage Building &amp; Service Garage</u>	
6. Land purchase & site preparation	502,500
7. Construction of new property storage building	486,200
8. Construction of new service garage	670,100
 <u>New Parking Structure</u>	
9. Land purchase & site preparation	342,500
10. Construction of 208 space, 4 story garage	2,728,900
SUBTOTAL	\$22,285,300
5% Contingency	1,114,300
TOTAL	\$23,399,600

SOURCE: W. Mounce and Associates; Modesto Police Department.

Table III-4

VEHICLES NEEDED FOR STAFF AT BUILDING CAPACITY  
(1989 Dollars)

273 New Staff

119 vehicles total	
39 Patrol cars @ 20,800 each =	\$811,200
80 Other Vehicles @ 12,000 each =	<u>960,000</u>
Total	\$1,771,200

PARKS FACILITIES

TABLE IV-7

COSTS TO ACCOMMODATE GROWTH

<u>Item</u>	<u>Total</u> <u>(100%)</u>
Neighborhood Parks	30,047,000
Community Parks	20,349,000
Multipurpose Buildings at Junior High Schools	1,582,000
Tennis Courts near Junior High Schools	870,000
Community Recreation Buildings	7,492,000
Tuolumne River Regional Park	4,784,000
Dry Creek Park	1,655,000
Golf Courses	11,440,000
Equipment	3,948,000
Total	\$82,167,000

Source: Recht, Hausrath and Associates

WASTEWATER TREATMENT FACILITY

TABLE V-3

ALLOCATION OF COSTS BY LAND USE

	<u>Treatment Plant Expansion Completed 1988</u>	<u>Fixed Film Reactor</u>	<u>Treatment Plant Expansion To Buildout</u>	<u>Total</u>
Residential	\$2,300,000	\$366,000	\$8,544,000	\$11,210,000
Commercial, office	\$200,000	\$31,000	\$247,000	\$478,000
Industrial	\$3,200,000	\$2,654,000	\$5,330,000	\$11,184,000
			Non-special Industry	\$1,822,000
			Special Industry	\$9,302,000

V-7

Sources: Modesto Department of Public Works and Transportation  
and Recht Hausrath & Associates.

TABLE VI-4  
FACILITIES PLANNED TO REMEDY DEFICIENCIES  
AND UPGRADE FIRE SERVICE

<u>Item</u>		<u>Cost</u>
1. New administration building		\$1,334,000
2. Remodel station 1		631,000
3. Relocate station 2		480,000
4. Fire station 9		
Construction	421,000	
Fire engine and equipment	275,000	
Station and staff equipment	41,000	
Total		737,000
5. Fire station 10		
Construction	475,000	
Fire engine and equipment	275,000	
Station and staff equipment	41,000	
Total		791,000
6. Remodel existing stations		400,000
7. Build and equip regional fire training center*		1,304,000
8. New equipment maintenance building		352,000
9. Aircraft fire fighting burn pit		350,000
10. Retrofit traffic signals with preemption		750,000
11. Other upgrades		
Closed circuit TV system	68,000	
Air/lighting utility vehicle	250,000	
Mobile service truck	26,000	
3 vehicles	54,000	
Complete data management system	56,000	
Total		454,000
12. Vehicle and equipment replacement		
Radio system	145,000	
3 fire engines	660,000	
1 rescue truck	175,000	
Aerial ladder truck	485,000	
Emergency breathing equipment and air filling clean room	87,000	
Other equipment	71,000	
Total		1,623,000
Total		\$9,206,000

\* Amount represented is Modesto's share in \$5 million project.

SOURCE: Modesto Fire Department.

FIRE FACILITIES

TABLE VI-5

COST OF COMPLETING THE FIRE FACILITIES TO BUILDOUT

Deficiencies and upgrades from Table VI-4		\$9,206,000
Stations 11 - 13	(3 x \$541,000)	1,623,000
Engines for stations		
11-13	(3 x \$275,000)	825,000
Aerial ladder truck		485,000
Rescue truck		175,000
Staff vehicles	(8 x \$18,000)	144,000
Signal preemption system (completion)		650,000
Improvements at Station 8		556,000
	Total	\$13,664,000

Cost of completing the system	\$13,664,000
Share paid by growth	11,324,000
City share	\$2,340,000

SOURCE: Recht Hausrath & Associates.

OTHER CITY FACILITIES AND EQUIPMENT

TABLE VII-1  
COST OF FACILITIES AND EQUIPMENT

Building space and equipment	\$6,270,000
Parking	1,200,000
Vehicles	7,572,000
City corporation yard expansion	<u>1,970,000</u>
Total	\$17,012,000

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-374

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF THE MCHENRY MANSION MASONRY  
WALL

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

SECTION 1. The plans and specifications for the construction of the  
McHenry Mansion masonry wall  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 21, 1989, at 11:10 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 28th day of February, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-375

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF A CHAIN LINK FENCE IN  
BELLINITA PARK

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

SECTION 1. The plans and specifications for the installation of a  
chain link fence in Bellinita Park

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on March 21, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 28th day of February, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-376

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO USED VEHICLES FROM A WHOLESALE DEALERS AUCTION

WHEREAS, the Police Department is requesting the purchase of two used cars to replace units in service; and

WHEREAS, the Police Department is requesting that the cars be purchased from a Wholesale Auto Dealers Auction to take advantage of the savings and quality.

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

BE IT FURTHER RESOLVED that purchase of two used vehicles to be used as detective cars, from a Wholesale Dealers Auction for an estimated cost of \$22,000 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 February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-377

A RESOLUTION ESTABLISHING A CITIZEN'S ADVISORY COMMITTEE  
TO COMPLETE FIRE DEPARTMENT MASTER PLANNING PROCESS.

WHEREAS, on October 29, 1974, the 93rd Congress of the United States of American enacted Public Law 93-498: The Federal Fire Prevention and Control Act of 1974, and

WHEREAS, said Act created within the Department of Commerce the National Fire Prevention and Control Administration and charged the new administration with the task of reducing the nation's fire loss, and

WHEREAS, it has been recommended that every local fire jurisdiction prepare a master plan designed to meet the community's present and future needs in fire protection to serve as a basis for program budgeting, and to identify and implement the optimum cost - benefit solutions in fire protection, and

WHEREAS, in June, 1988, the City Council of the City of Modesto elected to develop a master plan for fire protection to meet today's and future needs, and

WHEREAS, Fire Department staff has been working with other City Departments to assemble data that is used to analyze the fire/life safety delivery system in the City of Modesto and to project future service requirements, and

WHEREAS, by a memorandum dated February 16, 1989, to the City Manager, it has been requested by the Fire Chief of the City of Modesto that a Fire Department Master Plan Citizen's Advisory Committee be established for

the purpose of reviewing the assembled data for the Master Planning for Community Fire Protection and for the purpose of making recommendations to the City Council, and

WHEREAS, at its meeting of February 28, 1989, the Council considered establishing a Citizen's Advisory Committee to review and approve or disapprove the recommendations used for long-range planning, which recommendations will be forwarded to the City Council for consideration to complete the Fire Department Master Planning Process,

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

1. There is hereby established an advisory committee to be known as the Citizen's Advisory Committee to Complete the Fire Department Master Planning Process.

2. The Advisory Committee shall be composed of eleven (11) Committee members representative of the following agencies:

- (1) The Building Industry
- (2) Commercial Business Interests
- (3) The Hospital Care Industry
- (4) The Insurance Industry
- (5) Homeowners
- (6) The Real Estate Industry
- (7) Labor
- (8) Environmental Concerns
- (9) The Community at Large
- (10) Minority Groups
- (11) Community Schools

3. The Advisory Committee shall be appointed by the City Council for a term commencing April 1, 1989 and shall endure for a period ending on or about June 15, 1989.

4. The Committee shall proceed in accordance with the terms set forth in the document entitled "Master Planning For Community Fire Protection", said document is 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 28th day of February, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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

## MASTER PLANNING FOR COMMUNITY FIRE PROTECTION

Historically, fire protection has been viewed as primarily a reactionary activity; putting a fire out once it has started. Because of these reactive characteristics, fire protection generally has not been considered as a system which can be defined, directed, and controlled; that is master planning has not been applied to fire protection.

On October 29, 1974, the 93rd Congress of the United States of America enacted Public Law 93-498: The Federal Fire Prevention and Control Act of 1974. This act created within the Department of Commerce, the National Fire Prevention and Control Administration (N.F.P.C.A.), and charged this new administration with the awesome task of reducing the nations fire loss.

The commission recommends that every local fire jurisdiction prepare a master plan designed to meet the communities present and future needs in fire protection, to serve as a basis for program budgeting, and to identify and implement the optimum cost - benefit solutions in fire protection.

In June, 1988, by council action, the City of Modesto elected to develop a master plan for fire protection.

In accordance with the instructions and training provided by the California State Fire Marshal's office (Fire Training Division), the following operational procedure will be followed to reach the end result of a master plan for the City of Modesto:

1. Establish a master plan project manager. This position is in-place (retired Modesto Fire Department Chief Officer Farrell Jenkins)
2. Establish a planning team; the planning team is also in-place with the following departments represented; Planning, Finance, Engineering, Utility Services, Police, Parks & Recreation, City Manager, and Fire.
3. The planning team has spent approximately six months collecting data to profile the fire protection system. The data has been analyzed to establish where the weak and strong points in the system exist. Problem areas have been further defined and possible solutions proposed.
4. The advisory committee will be appointed by the City Council. This committee should consist of a wide variety of community leaders and should represent as many disciplines as possible to establish a cross section of the community. It is very important that members appointed be willing to contribute their time and knowledge to this project. Their primary responsibility will be to determine if solutions to various community safety problems are viable and acceptable to the citizens of Modesto. These determinations will then set the level of risk or the level of protection that the Fire Department will strive for in future years.
5. The final draft of the master plan for fire protection will be drawn up; based on solutions devised by the plan team and refined by the advisory committee.

6. The Fire Chief will make a presentation to the City Council and the chairman of the advisory committee will assure the council that the needs and concerns of the entire community have been considered and that the plan is the best compromise to meet those concerns.
  
7. City Council votes to accept the document as the master plan for fire protection for the City of Modesto.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-378

A RESOLUTION ADOPTING A REVISED POLICY FOR THE ALLOCATION OF FUNDS TO YOUTH ORGANIZATIONS FOR ATHLETIC PROGRAMS AND RESCINDING RESOLUTION NO. 84-250.

WHEREAS, the City of Modesto, as part of its budget process, annually allocates funds to youth organizations to assist those organizations with their athletic programs, and

WHEREAS, by Resolution No. 84-250 adopted by the City Council at its meeting of May 1, 1984, the Council adopted a policy for the allocation of such funds, and

WHEREAS, the Council deems it appropriate to amend the policy to change the funding allocation not to exceed \$6.00 per youth participating in the program and to define the term "youth" to mean a student currently enrolled in grades K-12, a copy of which policy 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 it hereby adopts a revised policy for the allocation of funds to youth organizations which revised policy changes the funding allocation not to exceed \$6.00 per youth participating in the program and defines the term "youth" to mean a student currently enrolled in grades K-12, a copy of which policy is attached hereto marked Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 84-250 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 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, McGrath, Muratore, Patterson, Sutton, 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 COUNCIL POLICY

Subject: Allocation of Funds to Youth Organizations for Athletic Programs.

Purpose: To Establish a Formula for Funding Youth Organizations' Athletic Programs.

Background: Annually the City, as part of its budget process, allocates funds to Youth Organizations for Athletic Programs and the City Council wants to treat all of said organizations and programs with fairness. Therefore, it is desirable to establish a formula for allocating the available funds to the youth organizations which are approved by the City Council to receive City funds for their athletic programs.

- Policy:
1. Youth organizations authorized by the City Council to receive funding assistance shall be allocated the lesser of their request, or an amount not exceeding \$6.00 for each youth participating in their program.
  2. The definition of the term "youth" in this context shall mean a student currently enrolled in grades K-12.

EXHIBIT A

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-379

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLAUDE W. AND KELLY A. HAUGEN FOR SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 932 CALIFORNIA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Claude W. and Kelly A. Haugen for sewer service to property outside City limits at 932 California Avenue, located on the south side of California between Emerald Avenue and M.I.D. Lateral No. 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 28th day of February, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-380

A RESOLUTION APPROVING AN AMENDED STATE GRANT OFFER FOR THE WATER QUALITY CONTROL TREATMENT PLANT IMPROVEMENT PROJECT (UNITS 2 AND 3)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the State grant to allow procurement of Third Party Claims Assessment services should those services be needed on the Wastewater Treatment Plant Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant amendment by the designated 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 February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-381

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC BELL. GRANTING A RIGHT-OF-WAY EASEMENT AT BEYER COMMUNITY PARK FOR COMMUNICATIONS EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Bell, granting a right-of-way easement at Beyer Community Park for communications equipment be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-382

A RESOLUTION INCREASING THE AMOUNT IN THE PETTY CASH REVOLVING FUND BY \$100 AND AUTHORIZING THE TRANSFER OF \$100 FROM THE GENERAL FUND TO THE PETTY CASH REVOLVING FUND, AND SUPERSEDING RESOLUTION NO. 88-265.

WHEREAS, because the Engineering Department will begin accepting cash payments for the issuance of building permits on March 1, 1989, it is desirable and necessary that the amount in the Petty Cash Revolving Fund be increased to meet the needs for cashiering and providing change for Engineering Department customers,

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

1. The Petty Cash Revolving Fund be increased by \$100 to provide a cash drawer fund for the Engineering Department.
2. The amount of \$100 be transferred from the General Fund (Fund 010) to the Petty Cash Revolving Fund (Fund 011).

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

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 88-265 adopted by the Council on April 5, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-383

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS TO PROVIDE A NEEDS ANALYSIS STUDY OF AUTOMATED MAPPING/DATA BASE MANAGEMENT SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lew-Garcia-Davis to provide a needs analysis study of automated mapping/data base management system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-384

A RESOLUTION APPROVING THE REQUEST OF DOCTORS MEDICAL CENTER HOSPITAL FOR REFUND OF \$5,000 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Doctors Medical Center Hospital for refund of \$5,000 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 28th day of February, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-385

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE COMPANY FOR RENEWAL OF BOILER AND MACHINERY INSURANCE FOR THE MODESTO CENTRE PLAZA AND PARKING GARAGE FOR THE YEAR FEBRUARY 5, 1989 THROUGH FEBRUARY 5, 1990

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 Boiler and Machinery Insurance for the Modesto Centre Plaza and parking garage for the year February 5, 1989, through February 5, 1990 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 February, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-386

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF VERONIKA OPINSKI FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE FEBRUARY 28, 1989

WHEREAS, Veronika Opinski was appointed a member of the International Friendship Committee on October 4, 1988; and

WHEREAS, Veronika Opinski has tendered her resignation from the International Friendship Committee, effective February 28, 1989.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Veronika Opinski 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 Veronika Opinski for her service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-387

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION AND COMPLETION OF CERTAIN PUBLIC SAFETY IMPROVEMENTS AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS.

WHEREAS, the City of Modesto (the "City") is authorized to issue general obligation bonds to finance public safety improvements pursuant to the provisions of Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the Government Code of the State of California (the "Act"), and

WHEREAS, the City intends to issue general obligation bonds under and pursuant to the Act to finance the acquisition, construction and completion of public safety improvements consisting of Police and Fire Department Facilities and all appurtenances thereto within the City (the "Public Safety Program"), and

WHEREAS, in order to initiate proceedings under the Act to provide for the financing of the Public Safety Program, this Council must make certain findings and determinations.

NOW, THEREFORE, the Council of the City of Modesto hereby orders as follows:

1. The public interest and necessity demands, and it is the intention of this Council to require, the acquisition, construction and completion of the Public Safety Program, and to issue general obligation bonds of the City to finance the cost thereof, subject to completion of the proceedings required by the Act.

2. The estimated cost of the Public Safety Program is not to exceed thirty-one million three hundred thousand dollars (\$31,300,000). Said estimated costs include provision for legal and other fees, and the cost of printing of bonds and other costs and expenses incidental to or connected with the issuance and sale of general obligation bonds to finance the costs of the Public Safety Program.

3. This Council hereby finds and determines that the costs of the Public Safety Program require an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of general obligation bonds of the City to be issued by the Public Safety Program will not exceed the estimated cost set forth above for the Public Safety Program.

4. This Resolution is adopted, and general obligation bonds of the City are to be issued, pursuant to the Act.

5. This Resolution shall take effect upon its adoption by two-thirds (2/3) of all members of the City Council of 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 March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 89-388

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 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON TO P-O. (GLENN MONTGOMERY)

WHEREAS, on March 7, 1989, the City Council introduced Ordinance No. 2655-C.S. giving approval to a project relating to an amendment to Section 30-3-9 of the Zoning Map of the City of Modesto to prezone to Professional Office Zone, P-O, property located at the southwest corner of Kansas Avenue and Carpenter 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 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 30-3-9 of the Zoning Map of the City of Modesto to prezone to Professional Office Zone, P-O, property located at the southwest corner of Kansas Avenue and Carpenter Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of March, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-389

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE PURCHASE OF TWO COPY MACHINES

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  
copy machines

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 28, 1989, at 3:00 p.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 7th day of March, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-390

**A RESOLUTION ACCEPTING THE BID OF MO-CAL OFFICE EQUIPMENT OF MODESTO FOR THE  
LEASE OF ONE COPY MACHINE**

**WHEREAS, Resolution No. 89-47 , adopted by the Council of the City of  
Modesto on January 17, 1989 , approved the plans and specifications for the  
lease/purchase of one copy machine  
and authorized the calling for bids; and**

**WHEREAS, the bids received for the lease/purchase of one copy machine  
were opened at 3:00 p.m. on February 14, 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  
Mo-Cal Office Equipment of Modesto in the amount of \$10,494.36  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Mo-Cal Office Equipment of Modesto in the amount of \$10,494.36  
be accepted and the execution of a contract for the completion of the project  
by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 7th day of March , 19 89, by Council-  
member Lang , who moved its adoption, which motion being duly seconded by  
Councilmember Sutton , was upon roll call carried and the resolution adopted by  
the following vote:**

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-391

**A RESOLUTION ACCEPTING THE BID OF PACIFIC ENGINEERING CONSTRUCTION FOR THE WATER SUPPLY FOR THE SLUDGE THICKENERS AT THE WATER QUALITY CONTROL PLANT**

**WHEREAS, Resolution No. 89-82, adopted by the Council of the City of Modesto on February 7, 1989, approved the plans and specifications for the water supply for the sludge thickeners at the Water Quality Control Plant and authorized the calling for bids; and**

**WHEREAS, the bids received for the water supply for the sludge thickeners at the Water Quality Control Plant were opened at 11:10 a.m. on February 28, 1989, 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 Pacific Engineering Construction in the amount of \$84,849 be accepted as the lowest responsible bid,**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pacific Engineering Construction in the amount of \$84,849 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-392

A RESOLUTION 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"; AND AMENDING EXHIBIT "G" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR 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. 88-491. 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 July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Assistant to the Events Coordinator, Range 115.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-494. Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-494, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 5, 1988", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adds the

classifications of Deputy Director Public Works–Engineering, Range 450; Deputy Director Public Works–Operations, Range 450; Deputy Director Public Works–Transportation, Range 447; Events Supervisor, Range 427; Golf Superintendent, Range 441; and Transportation Planner, Range 438.

SECTION 3. EFFECTIVE DATE. The position of Golf Superintendent as shown on Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non–Sworn Classes Effective July 5, 1988" shall become effective retroactive to September 27, 1988.

SECTION 4. EFFECTIVE DATE. The position of Transportation Planner as shown on Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non–Sworn Classes Effective July 5, 1988" shall become effective retroactive to October 11, 1988.

SECTION 5. EFFECTIVE DATE. The position of Assistant to the Events Coordinator as shown on Exhibit "A" entitled "City of Modesto Class Range General Non–Sworn Classes Effective July 5, 1988" shall become effective retroactive to November 1, 1988.

SECTION 6. EFFECTIVE DATE. The position of Events Supervisor as shown on Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non–Sworn Classes Effective July 5, 1988" shall become effective retroactive to October 11, 1988.

SECTION 7. EFFECTIVE DATE. The positions of Deputy Director Public Works–Engineering, Deputy Director Public Works–Operations, and Deputy Director Public Works–Transportation as shown on Exhibit "G" entitled "City of Modesto Class Range Table Management and Confidential Non–Sworn Classes Effective July 5, 1988" shall become effective retroactive to November 8, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

---

RANGE	TITLE
103	Administrative Clerk I Printing Services Op 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 July 5, 1988

RANGE	TITLE
115	Accounting Technician Planning Technician I Police Administrative Technician Wastewater Treatment Plant Att. 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 Opr. 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 July 5, 1988

---

RANGE	TITLE
121	
122	Coach Mechanic Fire Equipment Mechanic Nursery Propagator Tree Trimmer Crewleader Housing Program Specialist Programmer Analyst I
123	Sr. Wastewtr Trtmnt Plt Opr 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
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

---

RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

---

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

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 5, 1988

---

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 5, 1988

---

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 Supv. Housing Rehab. Specialist Public Works Supervisor II Building Maintenance Supervisor Secondary Treatment Site Supv. Parks Maintenance Supervisor II Events Coordinator Golf Course Supervisor 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
439	Deputy City Attorney II

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

RANGE	TITLE
440	Housing Program Officer Principal Accountant Purchasing Officer
441	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. Deputy Director Public Works - Transportation
448	
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations
451	Assistant City Attorney

**RESCINDED**

JUL 17, 1989

THIS RESOLUTION WAS  
 RESCINDED BY ~~MODESTO~~  
 CITY COUNCIL RESOLUTION  
 NO. ~~88-490~~ <sup>89-393</sup>

AMENDED

MODESTO CITY COUNCIL  
 RESOLUTION NO. 89-393

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 88-490  
 ESTABLISHING "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY  
 SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE  
 CITY SERVICE."

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 City Manager, City Attorney, and the City Clerk, and

WHEREAS, the salaries for said Council appointees was set forth as follows:

City Manager	\$6,827.00
City Attorney	6,141.01
City Clerk	3,860.01

and

WHEREAS, said salaries were inadvertently not specified in Section 1 of Resolution No. 88-490,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 88-490 is hereby amended to read as follows:

"SECTION 1. SALARY RANGES AND RATES EFFECTIVE July 5, 1988 TO JULY 4, 1989. The salary rates, salary ranges and salary steps as set forth in Exhibit "A" entitled "Class Range Table, General Non-Sworn Classes Effective July 5, 1988", Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule A

General Non-Sworn Classes", Exhibit "C" entitled "Class Range Table, General Fire Classes, Effective July 5, 1988", Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - 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 5, 1988, Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule C General Police Classes", Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 5, 1988", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule D Management/ Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 5, 1988", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule E Management/Confidential - Fire, and Schedule Y Fire Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 5, 1988", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule F Management/ Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 5, 1988, which are attached hereto and hereby made a part hereof, are established effective July 5, 1988 to and including July 3, 1989.

The salaries for the positions of City Manager, City Attorney and City Clerk shall be as follows:

City Manager	\$6,827.00
City Attorney	6,141.01
City Clerk	3,860.01"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 07 day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-393

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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 City Manager, City Attorney, and the City Clerk, and

WHEREAS, the salaries for said Council appointees was set forth as follows:

City Manager	\$7,304.89
City Attorney	6,141.01
City Clerk	3,860.01

and

WHEREAS, said salaries were inadvertently not specified in Section 1 of Resolution No. 88-490,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 88-490 is hereby amended to read as follows:

"SECTION 1. SALARY RANGES AND RATES EFFECTIVE July 5, 1988 TO JULY 4, 1989. The salary rates, salary ranges and salary steps as set forth in Exhibit "A" entitled "Class Range Table, General Non-Sworn Classes Effective July 5, 1988", Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule A

General Non-Sworn Classes", Exhibit "C" entitled "Class Range Table, General Fire Classes, Effective July 5, 1988", Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - 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 5, 1988, Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule C General Police Classes", Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 5, 1988", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule D Management/ Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 5, 1988", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule E Management/Confidential - Fire, and Schedule Y Fire Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 5, 1988", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule F Management/ Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 5, 1988, which are attached hereto and hereby made a part hereof, are established effective July 5, 1988 to and including July 3, 1989.

The salaries for the positions of City Manager, City Attorney and City Clerk shall be as follows:

City Manager	\$7,304.89
City Attorney	6,141.01
City Clerk	3,860.01"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-394

A RESOLUTION AMENDING RESOLUTION NO. 89-393 WHICH AMENDED SECTION 1 OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE."

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 City Manager, City Attorney and City Clerk, and

WHEREAS, Section 1 of Resolution No. 88-490 has been amended by Resolution No. 89-393 to specify the salaries of the City Manager, the City Attorney and the City Clerk, and

WHEREAS, the City Council desires to adjust the salary of the City Attorney by five percent (5%) from \$6,141.01 per month to \$6,448.05 per month.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 88-490, as amended by Resolution No. 89-393, is hereby amended to read as follows:

"SECTION 1. SALARY RANGES AND RATES EFFECTIVE July 5, 1988 TO JULY 4, 1989. The salary rates, salary ranges and salary steps as set forth in Exhibit "A" entitled "Class Range Table, General Non-Sworn Classes Effective July 5, 1988", Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule A General Non-Sworn Classes", Exhibit "C" entitled "Class Range Table, General Fire Classes, Effective July 5, 1988", Exhibit "D" entitled "City of Modesto

Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - 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 5, 1988, Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule C General Police Classes", Exhibit "G" entitled "Class Range Table, Management and Confidential Non-Sworn Classes, Effective July 5, 1988", Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule D Management/ Confidential - General", Exhibit "I" entitled "Class Range Table, Fire Management Classes Effective July 5, 1988", Exhibit "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule E Management/Confidential - Fire, and Schedule Y Fire Management", Exhibit "K" entitled "Class Range Table, Police Management Classes Effective July 5, 1988", Exhibit "L" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 88/89 Effective July 5, 1988 - Schedule F Management/ Confidential - Police", Exhibit "M" entitled "Class Range Table, Executive Management Effective July 5, 1988, which are attached hereto and hereby made a part hereof, are established effective July 5, 1988 to and including July 3, 1989.

The salaries for the positions of City Manager, City Attorney and City Clerk shall be as follows:

City Manager	\$6,827.00
City Attorney	6,448.05
City Clerk	3,860.01"

BE IT FURTHER RESOLVED that this resolution shall become effective March 14, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton  
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. 89-395

A RESOLUTION AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING AN AGREEMENT FOR SERVICES WITH THE HISPANIC CHAMBER OF COMMERCE, NOT TO EXCEED \$44,850, TO PROVIDE A CONTRACT PROCUREMENT CENTER, UNDER THE ECONOMIC DEVELOPMENT LINE ITEM OF THE 1988-89 FISCAL YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Hispanic Chamber of Commerce has requested funding for a project to recruit, train and certify minority and women-owned businesses, and to assist them in successfully bidding on contracts throughout the area.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that amending the Final Statement of Community Development Objectives by approving an agreement for services with the Hispanic Chamber of Commerce, not to exceed \$44,850, to provide a contract procurement center, under the Economic Development line item of the 1988-89 fiscal year Community Development Block Grant program, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-396

A RESOLUTION AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING AN AGREEMENT FOR SERVICES WITH THE HISPANIC CHAMBER OF COMMERCE, NOT TO EXCEED \$35,800, TO ESTABLISH A BUSINESS ASSISTANCE CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Final Statement of Community Development Objectives by approving an agreement for services with the Hispanic Chamber of Commerce, not to exceed \$35,800, to establish a Business Assistance 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 7th day of March, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-397

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WESTSIDE ECONOMIC AND MINORITY ALLIANCE FOR FUNDING THE JOB OPPORTUNITIES IN BUSINESS FOR YOUTH PROGRAM IN THE AMOUNT OF \$54,600 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Westside Economic and Minority Alliance for funding the Job Opportunities in Business for Youth Program in the amount of \$54,600 from Community Development Block Grant funds be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-398

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
E. & J. GALLO WINERY CORPORATION FOR LEASE OF HANGAR NO. 6 AT THE 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 Corporation for lease of Hangar No. 6 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 7th day of  
March, 1989, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Sutton, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-399

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR THE FISCAL YEAR 1988-89.

WHEREAS, it has been determined that certain adjustments are  
required to the Annual Budget of the City of Modesto for the Fiscal Year  
1988-89,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the adjustments listed in the attached Exhibit A be made to he Annual  
Budget of the City of Modesto for the Fiscal Year 1988-89.

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

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 7th day of March,  
1989, by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, 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  
Mid-Year Adjustments 1988-89

EXHIBIT 'A'

Fund	Agency	Objn	Object/ Revenue	Inc/Dec Amount	Description
-----					
General Fund Expenditures					
-----					
010	020	0201	0110	13,090	Salaries and Wages, Regular
010	020	0201	0150	3,639	PFERS
010	020	0201	0301	250	Office Supplies
010	020	0201	0301	210	Office Supplies
010	020	1201	5643	325	Steno. Chair
010	020	0201	5644	320	14-drawer filing cabinet
010	020	0201	5645	325	Computer Chair
010	120	0202	0230	2,500	Advertising
010	020	0202	0235	2,500	Professional Services
010	020	0202	5645	320	14 Drawer Filing Cabinet
010	020	0222	0232	5,000	Employee Services Award
010	020	0232	1301	900	Office Supplies
010	020	0203	3990	2,305	Services, City Employees
010	040	0401	0209	500	Business Expenses
010	040	0401	0209	200	Training
010	050	0501	0301	2,500	Office Supplies
010	120	1201	0301	395	Office Supplies
010	120	1242	0222	20,000	Repair & Maintenance, Outside
010	140	1401	0110	(106,000)	Salary and Wages, Regular
010	140	1401	0207	2,000	Conference Expenses
010	140	1401	0401	256	Membership & Dues
010	150	1501	0212	1,255	Equipment Pool Rental
010	150	1532	0110	(20,000)	Salary and Wages, Regular
010	120	1232	0130	(11,000)	Salary and Wages, Overtime
010	120	1232	0165	(222)	Uniform Allowance
010	190	1232	0210	35,159	Communications Center
010	120	1232	0223	25,000	Repair & Maintenance
010	120	1232	0304	3,300	Custodian & Inst Supplies
010	120	1232	0308	250	Tool, Shop and Field Supplies
010	180	1232	0312	6,000	Chemical Drugs & Lab Supplies
010	180	1232	0330	3,000	Fuel, Oil, Lube
010	190	1901	0210	113,593	Police Communication Services
010	190	1964	0240	40,281	County Found Costs
010	300	3001	0223	1,848	Repair & Maint - Outside
010	430	4301	0110	51,449	Salary and Wages, Regular
010	440	4412	0235	25,000	Professional Services
010	450	4512	0110	12,849	Salary and Wages, Regular
010	460	4612	0235	334,555	Garbage Service Subsidy
010	460	4612	0110	(154,000)	Salaries and Wages, Regular
010	460	4612	0212	(35,982)	Rental of Equipment
010	460	4612	0235	(400,000)	Professional Services
010	480	4801	0110	(13,090)	Salaries and Wages, Regular
010	480	4801	0150	(3,639)	PFERS
010	490	4802	0237	13,755	Promotion
010	502	6502	0202	2,500	Professional Services
010	502	6502	0401	647	Dues
010	502	6502	0428	3,300	Misc
010	502	6502	0446	10,000	Public Access Cable Grant
010	700	7000	7670	6,500	Transfers Out to Fund 670
010	800	8000	8003	1,236,504	Contingency Reserve
-----					
TOTAL				1,036,232	1,036,232

CITY OF MODESTO  
Mid-Year Adjustments 1988-89

EXHIBIT "A"

Fund	Agency	Orgn	Object/ Revenue	Inc/Dec Amount	Description
----- ----- -----					
General Fund Revenue					
----- ----- -----					
010	510		1101	240,000	(Current Year Taxes-Secured
010	510		1107	3,739	(Current Year Taxes-Unsecured
010	510		1201	140,000	(Sales And Use Tax
010	510		1204	155,000	(Utility Users Tax
010	510		1210	20,000	(Transient Occupancy Tax
010	510		1301	48,000	(Cable TV Franchise
010	510		1307	(32,000)	(Garbage And Swill License
010	510		1310	11,700	(Water Company Franchise
010	510		1313	15,500	(Railroad Franchise
010	390		1319	15,300	(John Thurnan Field Franchise
010	310		1325	1,200	(Bever Park Concession
010	510		1404	10,000	(Business License Mill Tax
010	510		3101	(20,000)	(Cigarette Tax Allocation
010	510		3119	185,000	(Motor Vehicle License Fees
010	510		6101	100,000	(Interest On Bank Accounts
010	510		1110	147,100	(Supplemental Roll
010	510		1119	150,300	(Property Transfer Tax
010	510		1297	1,500	(Amusement Tax
010	190		2101	300	(Bicycle License
010	510		2204	4,000	(Bingo Permits
010	440		2207	(1,300)	(Renewal Permits
010	440		2213	(200)	(Street Closure & Abandonment
010	510		3113	450	(Off-Hiway Vehicle Fees
010	190		3122	800	(Police Training Reimb-POST
010	190		3129	47,382	(DARE Reimbursement
010	140		4008	(15,900)	(Zoning Fees
010	140		4009	(5,900)	(Environmental Impact Fees
010	140		4010	8,300	(Plot Plan Review Fees
010	140		4011	62,200	(Subdivision Inspection Fees
010	190		4021	(200)	(Extradition Reimbursement
010	190		4022	500	(Animal Shelter Fees
010	190		4024	(300)	(Fingerprint Fees
010	190		4025	5,600	(Special Police Protection
010	190		4026	(12,500)	(Drug Abuse Prevention
010	190		4027	950	(Software Rental
010	180		4041	(1,418)	(Cleaning Vacant Lots
010	460		4052	1,000	(Traffic Signal Mtc Agreement
010	480		4053	5,900	(Forced Const Reimbursement
010	320		4070	6,000	(Street Trees
010	370		4072	(11,800)	(League Fees
010	370		4073	(29,200)	(Admissions, Recreation
010	370		4074	17,000	(Miscellaneous Recreation
010	510		4091	38,750	(Revenue Bond Service Fees
010	510		4092	2,100	(Copying Fees
010	510		4095	2,500	(Misc Special Services
010	510		4096	1,200	(Recycling Program
010	510		6201	3,000	(Lease of Land
010	510		6202	(200)	(Sidewalk Property Use Fee
010	510		6204	(150)	(Rent, Taxi Stands

CITY OF HODESTO  
 Mid-Year Adjustments 1988-89

EXHIBIT "A"

Fund	Agency	Orgn	Object/ Revenue	Inc/Dec Amount	Description
010	380		6207	200	(Clubhouse Rental
010	380		6210	(600)	(Youth Center Rental
010	380		6213	(10,000)	(Service Center Rental
010	380		6216	(600)	(Mancini Bowl Rental
010	380		6228	700	(Citizens Center Rental
010	510		7104	(100)	(Littering Fines
010	510		7113	55,000	(Parking Fines
010	510		7201	(25)	(Trust Deposits Forfeited
010	480		9103	(50,000)	(Waste Energy Project Recovery
010	510		8106	26,765	(Donations-Recycling Containers
010	510		8113	(350)	(Court Costs Recovery
010	510		8122	(4,750)	(Refunds & Damage Recovery
010	510		8125	50	(Telephone Refunds
010	510		8128	2,500	(Prior Year Expense Abatement
010	510		8131	50	(Cashier Overage
010	510		8134	(1,400)	(Returned Check Charges
010	480		8140	(500)	(Sale-Std Contract Specs
010	510		8143	(500)	(Items For Resale
					-----
Total				\$1,059,382	(1,039,352)

Gas Tax Fund Expenditures

070	160	6519	6000	(73,000)	(Yosemite/Santa Rosa Traffic Si
070	160	6736	6000	(120,000)	(Oakdale/Floyd Traffic Signal
070	800	8000	8003	(11,600)	(Contingency Reserve
070	800	8000	8003	100,000	(Reserve
					-----
Total				(\$104,600)	(104,600)

Gas Tax Fund Revenue

070	510	9510	3138	(73,000)	(State Share of Project
070	510	9510	3138	(11,600)	(County Share of Project
070	510	9510	3138	100,000	(State Share of Street Project
070	700	7000	9136	(120,000)	(Transfer In From Fund 136
					-----
Total				(\$104,600)	104,600

Housing Fund Expenditures

111	140	1452	0215	2,000	(Rental of Real Property
111	140	6157	6000	60,000	(Highway Village Improvements
111	800	8000	8003	(2,000)	(Contingency Reserve
111	800	8000	8003	(230,000)	(Contingency Reserve
113	140	1454	0496	170,000	(CDPSG-Direct Grant
					-----
Total				\$0	0

CITY OF MODESTO  
Mid-Year Adjustments 1988-89

EXHIBIT "A"

Fund	Agency	Orgn	Object/ Revenue	Inc/Dec Amount	Description
<b>OFF Fund Expenditures</b>					
136	160	P736	6000	120,000	Oakdale/Floyd Traffic Signal
136	700	7000	7070	(120,000)	Transfer out to Fund 070
Total				\$0	0
<b>McHenry Mansion Fund Expenditures</b>					
150	360	P276	6000	40,000	McHenry Mansion Restoration
Total				\$40,000	40,000
<b>McHenry Mansion Fund Revenue</b>					
150	510	9510	8107	40,000	McHenry Mansion Donations
Total				\$(40,000)	(40,000)
<b>Crocker Building Fund Expenditures</b>					
190	490	F147	6000	2,500	Crocker Building Acquisition
190	800	8000	8003	(2,500)	Contingency Reserve
Total				\$0	0
<b>Parking Fund Expenditures</b>					
600	150	1562	9990	10,100	Service Credits
600	300	3000	8003	(10,100)	Contingency Reserve
Total				\$0	0
<b>Water Fund Expenditures</b>					
610	480	5012	0255	(3,805)	Service Credits
610	600	6000	8003	3,805	Contingency Reserve
Total				\$0	0
<b>Sewer Fund Expenditures</b>					
621	480	5201	0461	13,000	Trustee Fees
621	480	5214	0430	63,139	Tax Expense
Total				\$76,139	76,139
<b>Sewer Fund Revenue</b>					
621	510	9510	6201	76,139	Rent Revenue
Total				\$(76,139)	(76,139)

CITY OF NODESTO  
Mid-Year Adjustments 1988-89

EXHIBIT "A"

Fund	Agency	Objn	Object/ Revenue	Inc/Sec	Amount	Description
<b>Golf Fund Expenditures</b>						
650	330	3311	0110	:	29,248	Salaries and Wages, Regular
650	330	3311	0150	:	8,102	PFERS
				Total	\$37,350	37,350
<b>Golf Fund Revenue</b>						
660	330		4075	:	23,437	Proven Golf Fees
660	330		4076	:	12,626	Muni Golf Fees
660	330		4080	:	1,277	Golf Cart Fees
				Total	\$37,350	(37,350)
<b>Centre Plaza Fund Expenditures</b>						
670	340	3412	0255	:	6,500	Services City Forces
				Total	\$6,500	6,500
<b>Centre Plaza Fund Revenue</b>						
670	300	7000	9010	:	6,500	Transfer in from Fund 910
				Total	\$6,500	(6,500)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-400

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1988-89 TO ESTABLISH APPROPRIATIONS FOR INSURANCE, WATER, AND INDIRECT COSTS IN THE GOLF FUND (FUND 660).

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1988-89 to establish appropriations for Insurance, Water, and Indirect Costs in the Golf Fund (Fund 660),

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 1988-89.

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Revenue		
010/700/7000/9660	Transfer in from Fund 660	\$99,000
610/510/9510/4201	Water Sales Revenue	40,000
Expenditures		
660/700/7000/7010	Transfer out to Fund 010	\$99,000
660/330/3312/0210.06	Utilities Expense (Water)	40,000
660/330/3312/0413	Property Insurance-Muni	3,000
660/330/3312/0415	Liability Insurance-Muni	3,000
660/330/3313/0413	Property Insurance-Dryden	4,000
660/330/3313/0415	Liability Insurance-Dryden	4,000
660/800/8000/8003	Contingency Reserve	(14,000)

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 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson, and Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore and Sutton

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. 89-401

A RESOLUTION TRANSMITTING COPY OF PROPOSED SAFETY GENERAL OBLIGATION BOND 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 advisory measure concerning the proposed safety general obligation bond measure, proposed for the June 6, 1989, election, marked Exhibit "A", is 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 measure to the City Attorney for preparation of an impartial analyses explaining the effect of the measure.

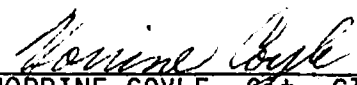
BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analyses,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, by Councilmember Irizarry , 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: Irizarry, Lang, Patterson, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MEASURE S

City of Modesto Safety General Obligation Bond Measure

Shall Ord. No. 2654-C.S., adopted by the City of Modesto on March 14, 1989, be approved in order to authorize the issuance of general obligation bonds in the principal amount of thirty-one million three hundred thousand dollars (\$31,300,000) for the purpose of the acquisition, construction and completion of certain public safety improvements consisting of Police and Fire Facilities and all appurtenances thereto as more particularly described in said Ordinance?

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-402

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(463). (P & R ENTERPRISES)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by P & R Enterprises on December 30, 1988, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow zero lot line single-family units and duplex units, property located on the south side of Briggs Avenue and west of Spencer Street, described as follows:

All that certain real property situate in a portion of 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, described as follows:

The West 93.35 feet of Lot 11 and the East 186.70 feet of Lot 16, of the re-survey of Brichman's addition to the City of Modesto, as per map filed October 15, 1904, in Volume 2 of Maps at Page 1, in the office of the Recorder of Stanislaus County, California.

Including also the south one-half of 60.00-foot wide Briggs Avenue located immediately adjacent to the above-described property.

and

WHEREAS, after a public hearing held on February 21, 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. 89-24, that rezoning of the property as requested 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.
2. That the proposed zone change will yield a lower density than typically developed in the R-3 Zone.

and

WHEREAS, after a public hearing held on March 21, \_\_\_\_\_, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of P & R Enterprises 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. 89-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2657-C.S. on the 21 day of March \_\_\_\_\_, 1989, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(463).

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(463), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Briggs Garden" as amended in red, stamped approved by the Planning Commission on February 21, 1989.
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 the front yards and side street yards and the end of the cul-de-sac in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Seven-foot decorative masonry wall at the end of the cul-de-sac as shown on the approved plan.
  - b. Seven-foot double-sided wood, stucco, or masonry wall or fence around the project site along the east, portion of south, and west property lines and private patios.

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 and improve Carlos Court to residential standards before issuance of a building permit.
6. The Briggs 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.
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 issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Briggs Avenue and Carlos Court frontages. The number shall be as determined by the Public Works and Transportation Director.
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. A 20-foot easement for irrigation lines shall be dedicated as requested by Modesto Irrigation District.
11. Drainage shall be provided as required by the Public Works and Transportation Director.
12. Trash cans shall be screened from view from any public street.
13. All utilities shall be underground and cable television service shall be stubbed into all units.
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. That each property shall be served by separate water and sewer service, as approved by the Public Works and Transportation Director. No sewer and water service shall be placed in an easement to serve any property.

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 the issuance of a building permit for any structure, a final subdivision map shall be recorded.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(463):

The entire construction program be accomplished in one phase, construction to begin on or before February 21, 1991, and completion to be not later than February 21, 1992.

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(463), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 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, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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 Whiteside  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-403

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-D(463). (P & R ENTERPRISES)

WHEREAS, on March 21, 1989, the City Council introduced Ordinance No. 2657-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 Planned Development Zone, P-D(463), property located on the south side of Briggs Avenue and west of Spencer Street, 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 31-3-9 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(463), property located on the south side of Briggs Avenue and west of Spencer Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 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, McGrath, Patterosn,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-404

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING AND INSTALLING PANEL WALL SYSTEM  
AND DESKS IN THE POLICE DEPARTMENT

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

SECTION 1. The plans and specifications for furnishing and installing panel wall system and desks in the Police Department copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 11, 1989, at 3:00 p.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 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-405

**A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS ELECTRICAL, INC. FOR THE MUNCY PARK; LAKEWOOD PARK AND SIPHERD PARK LIGHTING**

**WHEREAS, Resolution No. 89-77, adopted by the Council of the City of Modesto on February 7, 1989, approved the plans and specifications for the Muncy Park, Lakewood Park and Sipherd Park lighting and authorized the calling for bids; and**

**WHEREAS, the bids received for the Muncy Park, Lakewood Park and Sipherd Park lighting**

**were opened at 11:05 a.m. on February 28, 1989, 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 Richard A. Heaps Electrical, Inc. in the amount of \$22,397.50 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps Electrical, Inc. in the amount of \$22,397.50 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 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Muratore, Sutton**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-406

**A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND INC. FOR FURNISHING ONE PICKUP TRUCK WITH UTILITY BODY**

**WHEREAS, Resolution No.89-78 , adopted by the Council of the City of Modesto on February 7, 1989 , approved the plans and specifications for the purchase of one pickup truck with utility body and authorized the calling for bids; and**

**WHEREAS, the bids received for the furnishing of one pickup truck with utility body**

**were opened at 3:00 p.m. on March 7, 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 Dow Hammond Inc. in the amount of \$24,618 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 Inc. in the amount of \$24,618 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March , 1989 , 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Muratore, Sutton**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-407

**A RESOLUTION ACCEPTING THE BID OF BAUER COMPRESSORS INC. FOR FURNISHING ONE BREATHING SYSTEM**

**WHEREAS, Resolution No. 89-79 , adopted by the Council of the City of Modesto on February 7, 1989 , approved the plans and specifications for the purchase of one breathing system**

**and authorized the calling for bids; and**

**WHEREAS, the bids received for the furnishing of one breathing system were opened at 3:10 p.m. on March 7, 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 Bauer Compressors Inc. in the amount of \$36,265.59 be accepted as the lowest responsible bid,**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bauer Compressors Inc. in the amount of \$36,265.59 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March , 19 89, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Muratore, Sutton**

**ATTEST:**

*Norrine Coyle*  
\_\_\_\_\_  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-408

A RESOLUTION FINDING THAT THE WORK IS SUBSTANTIALLY COMPLETE IN THE CONSTRUCTION OF THE FIXED FILM REACTOR NO. 3 PROJECT, AND GRANTING A REDUCTION IN RETENTION.

WHEREAS, the City has received a request from C. W. Roen Construction Company, for a reduction in retention on the Fixed Film Reactor No. 3 Project, and

WHEREAS, the work is substantially complete on the construction of the project with the only remaining item of work being the completion of a technical report required by the contract, and

WHEREAS, pursuant to Section 20103 of the Government Code, a reduction in retention up to two and one-half percent (2-1/2%) of the contract price is permissible, and

WHEREAS, City staff has reported that the project work is substantially complete and a reduction in retention on the project is an appropriate request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby find that the work is substantially complete in the construction of the Fixed Film Reactor No. 3 Project, and a reduction in retention is hereby authorized.

BE IT FURTHER RESOLVED that a two and one-half percent (2-1/2%) retention would still provide the City with \$46,729.52 in withholding to assure completion of the remaining work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-409

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF EMERGENCY WATER PUMP REPAIR SERVICES FROM MID-CAL PUMP

WHEREAS, the Public Works Department - Water Division had to have emergency repairs made to Pump #32 when it suffered a shaft breakage, because it is located in a low pressure water area where businesses, residences, and the fire station in the area were affected by the loss of this critical pump; and

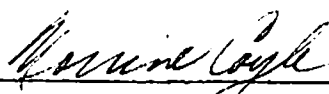
WHEREAS, informal bids were obtained just prior to the shaft breakage with Mid-Cal Pump of Modesto being the low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of emergency water pump repair services is hereby waived.

BE IT FURTHER RESOLVED that purchase of water pump repair services from Mid-Cal Pump in the amount of \$7,837 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 March, 1989, 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:	Irizarry, Lang, McGrath, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-410

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PAYMENT TO HI-TECH EMERGENCY VEHICLE SERVICE FOR FIRE ENGINE EMERGENCY REPAIR SERVICES

WHEREAS, the Fire Department recently had mechanical trouble with one of their fire trucks; and

WHEREAS, Hi-Tech Emergency Vehicle Service is the sole source vendor for this type of repair in Northern California.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of emergency repair services for Fire Engine No. 7 is hereby waived .

BE IT FURTHER RESOLVED that purchase of emergency repair services from Hi-Tech Emergency Vehicle Service in the amount of \$7,817 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 March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-411

A RESOLUTION ACCEPTING THE MCHENRY MANSION LANDSCAPING, PHASE I AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the McHenry Mansion Landscaping, Phase I

has been completed by Grover Landscaping, Inc.

in accordance with the contract agreement dated September 6, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Landscaping,  
Phase I

be accepted from said contractor, Grover Landscaping, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$37,036.27 as provided  
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 21st day of March,  
1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-412

A RESOLUTION ACCEPTING THE ROCKWELL RELOCATION AT WELL NOS. 27 AND 43  
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works  
that the rockwell relocation at Well Nos. 27 and 43

has been completed by Conco West, Inc.  
in accordance with the contract agreement dated September 27, 1988.

NOW, THEREFORE, BE IT RESOLVED that the rockwell relocation at  
Well Nos. 27 and 43

be accepted from said contractor, Conco West, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$9,750 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 21st day of March,  
19<sup>89</sup>, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-413

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$33,577 TO PROVIDE FINANCING FOR THREE ADDITIONAL POLICE OFFICERS

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)	\$33,577
TO: Salaries & Wages (0110)	\$22,554
P.E.R.S. (0160)	7,894
Uniform Allowance (0165)	429
Tool, Shop & Field Supplies (0308)	2,700

To provide financial for three additional Police Officers authorized by Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-414

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND J.W. MCCLENAHAN COMPANY FOR THE USE OF THE FORMER STRAND THEATER SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and J.W. McCLenahan Company for the use of the former Strand Theater 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 21st day of March, 1989, 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:	Irizarry, Lang, McGrath, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-415

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MERCER MEIDINGER AND HANSEN TO STUDY CITY HEALTH CARE PLAN AND TO PERFORM NECESSARY TESTING TO COMPLY WITH SECTION 89 OF THE INTERNAL REVENUE CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mercer Meidinger and Hansen to study City health care plan and to perform necessary testing to comply with Section 89 of the Internal Revenue Code be, and it is hereby approved.

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

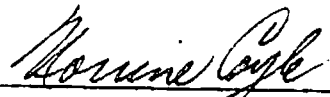
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, by Councilmember McGrath , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-416

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$46,500 FROM CONTINGENCY RESERVE TO FUND HEALTH CARE STUDY AND TESTING TO COMPLY WITH SECTION 89 OF THE INTERNAL REVENUE CODE

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)	\$46,500.00
TO:	Services, Professional & Other (010 020 0222 0235)	\$46,500.00

To fund health care study and testing to comply with Section 89 of the Internal Revenue Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, by Councilmember McGrath, 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, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-417

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER  
CONSERVATION FUNDS FOR THE DRY CREEK TRAIL SECURITY  
LIGHTING PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state, and

WHEREAS, the proposed Dry Creek Trail Security Lighting project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from the Special Fund for Capital Outlays (130) and can finance 100 percent of the project, half of which will be reimbursed, and
3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and
4. Appoints the City Manager or his authorized designee as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-418

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOMINIC DEPALMA FOR THE LEASE OF A PORTION OF THE FORMER MCCLURE PROPERTY

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 the former McClure property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-419

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AMENDMENTS, ADDITIONS, AND DELETIONS TO THE SIGN CODE REGULATIONS PERTAINING TO HEIGHT LIMITATIONS ON WALL SIGNS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 11, 1989, 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 amendments, additions, and deletions to the Sign Code Regulations pertaining to height limitations on wall signs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-420

A RESOLUTION APPROVING SUBMISSION OF A NONMOTORIZED  
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 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's claim has been prepared in accordance  
with established priorities and provides for the use of \$83,416 from the  
Nonmotorized Fund, with \$9,269 City matching funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that submission of the City of Modesto's Annual Nonmotorized Transportation  
Claim by the City Manager to the Stanislaus Area Association of Governments  
(SAAG) in the amount of \$83,416 for the fiscal year 1989-90 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-421

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD FOR REINBURSEMENT OF INSTALLATION OF A STORM DRAIN TRUNK LINE AT PARK VALLEY HOMES SUBDIVISION NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad for reimbursement of installation of a storm drain trunk line at Park Valley Homes Subdivision No. 2, located on Whitmore Avenue between Crows Landing Road and 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 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-422

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEVIN AND MAUREEN SOSINSKY FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4620 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kevin and Maureen Sosinsky for water service to property outside City limits at 4620 McHenry Avenue, located on the east side of McHenry Avenue, between MID Lateral No. 6 and Kiernan Avenue be, and it is hereby approved.

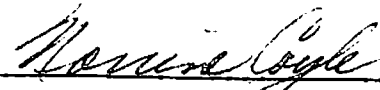
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-423

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LYNN H. AND CAROLE STINSON FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4401 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lynn H. and Carole Stinson for water service to property outside City limits at 4401 McHenry Avenue, located on the west side of McHenry Avenue, between Bangs Avenue and Kiernan Avenue be, and it is hereby approved.

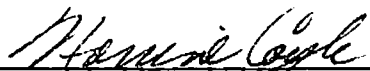
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-424

A RESOLUTION APPROVING THE FINAL MAP OF THE JAED ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Turner-Edwards Development, a general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.286 acres, known as the Jaed Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of July, 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 Jaed 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 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-425

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY HOMES PHASE 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, N. T. Hill, Inc. a California corporation, dba: R. J. Hill Company is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 10.5612 acres, known as the Park Valley Homes Phase 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1987, 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 Park Valley Homes Phase 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 21 day of March, 1989, 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:	Irizarry, Lang, McGrath, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Sutton

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. 89-426

A RESOLUTION APPROVING THE FINAL MAP OF THE MARIPOSA  
SQUARE UNIT NO. 1 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 4.017 acres, known as the Mariposa Square 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 March, 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 Mariposa Square 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 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-427

A RESOLUTION APPROVING THE FINAL MAP OF THE COUNTRY RANCH  
NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, C. L. S. Investmenta, a California partnership is possessed  
of a tract of land situate in the City of Modesto, County of Stanislaus,  
consisting of 15.018 acres, known as the Country Ranch No. 3 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 March, 1987, 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 Country Ranch 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 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-428

A RESOLUTION APPROVING THE FINAL MAP OF THE COUNTRY RANCH  
NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, C.L.S. Investments, a general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.168 acres, known as the Country Ranch No. 4 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 March, 1987, 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 Country Ranch 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,

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 21 day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

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. 89-429

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLINA CASUALTY INSURANCE TO RENEW CITY OF MODESTO TRANSIT LIABILITY INSURANCE FOR POLICY PERIOD 3/1/89 - 3/1/90

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carolina Casualty Insurance to renew City of Modesto Transit Liability Insurance for policy period 3/1/89 - 3/1/90 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-430

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND IRIS, LTD./LLOYD'S OF LONDON TO RENEW CITY OF MODESTO AIRPORT LIABILITY INSURANCE FOR POLICY PERIOD 3/1/89 - 3/1/90

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and IRIS, Ltd./Lloyd's of London to renew City of Modesto Airport Liability Insurance for policy period 3/1/89 - 3/1/90 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-431

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES TO RENEW CITY OF MODESTO MUNICIPAL ERRORS AND OMISSIONS INSURANCE POLICY FOR TUOLUMNE RIVER REGIONAL PARK FOR POLICY PERIOD 2/27/89 - 2/27/90

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 to renew City of Modesto Municipal Errors and Omissions Insurance Policy for Tuolumne River Regional Park for policy period 2/27/89 - 2/27/90 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-432

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED S. JAMES & COMPANY FOR PURCHASE OF ALL-RISK INSURANCE FOR FIRE-FIGHTING EQUIPMENT FOR POLICY PERIOD 4/1/89 - 4/1/90

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fred S. James & Company for purchase of all-risk insurance for fire-fighting equipment for policy period 4/1/89 - 4/1/90 be, and it is hereby approved.

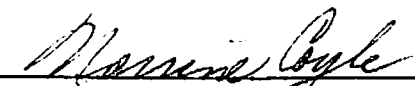
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1989, 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: Irizarry, Lang, McGrath, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-433

A RESOLUTION APPOINTING MEMBERS TO THE CHARTER REVIEW COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the Charter Review Committee: L.F.(Bud) Gianelli,(Chairman), Linda Avedon, Maria Basulto, Charles Bird, Robert Ford, Mike Garcia (Alternate: Miguel Donoso), Manuel Gonsalves, Ellen Herod, Jason Kimbrough, Art Martin, Becky McClure, Jim McCormick, Preston Oliver, Karen Puccinelli (Alternate: Carolyn Steinbeck), and Richard Rozenblad.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Charter Review 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 21st day of March, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-434

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(462). (ARAMBEL AND ROSE)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Arambel & Rose Development, Inc. on December 21, 1988, 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 southeast corner of Hatch Road and Boise Avenue, described as follows:

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, after a public hearing held on February 21, 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. 89-26, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed zone change is in accordance with community objectives as set forth in the General Plan, which provide for a variety of housing types in all neighborhoods.

2. The plan is designed within the density limitations of the adopted Bret Harte Neighborhood Zoning and Development Policy.
3. Neighborhood compatibility and privacy to adjoining rear yards is assured by the building design with no second-story rear windows, screen landscaping on the south property line, and a wing wall.

and

WHEREAS, after a public hearing held on March 28, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Arambel & 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. 89-26 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2658-C.S. on the 28th day of March, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(462).

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(462), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Stoneleaf Hollow - Site Plan" as amended in red, stamped approved by the Planning Commission on February 21, 1989.
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 entire south property line except for the east 30 feet adjoining building #18.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Seven-foot high double-sided wood, stucco, or masonry wall or fence with masonry pilasters around periphery and separating patios except that masonry pilasters are not required in those short wall sections between patios. The wall section facing Hatch Road, opposite the driveway turnaround, shall retain a "zigzag" pattern in accordance with the requirements of the Director of Planning and Community Development.

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 Hatch Road to expressway standards. 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. The Hatch Road frontage shall be improved to appropriate 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. All curbcuts serving two-way driveways shall be 41 feet in width. The emergency access curb-cut shall be at least 25 feet wide.
9. 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.
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 shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director. Individual garbage can enclosures outside garages shall be as shown on the approved development plan. If individual garbage cans inside garages are utilized, they shall be in enclosures with vents and doors in accordance with the requirements of the Chief Building Official.
12. All utilities shall be underground and cable television service shall be stubbed into all units.
13. 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.
14. All signs shall comply with the sign requirements of the R-2 Zone.
15. Prior to issuance of a building permit, the applicant shall obtain approval by the Director of Planning and Community Development of a detail plan for a wing wall or similar feature to prevent view from second-story windows in building #18 into rear yards adjoining to the south.
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(462):

The entire construction program be accomplished in one phase, construction to begin on or before February 21, 1991, and completion to be not later than February 21, 1992.

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(462), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 Altman Phillips  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-435

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(462). (ARAMBEL AND ROSE)

WHEREAS, on March 28, 1989, the City Council introduced Ordinance No. 2658-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 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, 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 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(462), 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 28th day of March, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-436

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE RECONSTRUCTION OF THE REVARD PARK BASKETBALL  
COURT

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

SECTION 1. The plans and specifications for the reconstruction of the  
Revard Park basketball 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 April 18, 1989, 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 28th day of March, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION REJECTING ALL BIDS FOR FURNISHING ONE NEW SUBMERSIBLE PUMP AND DRIVER, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 14, 1989, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 89-349, adopted by the Council of the City of Modesto on February 21, 1989, approved the plans and specifications for furnishing one new submersible pump and driver, and authorized the call for bids; and

WHEREAS, the bids received for furnishing one submersible pump and driver were opened at 3:10 p.m. on March 14, 1989, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, only one bid was received from the vendors contacted, which was 20% more than the estimated cost of this pump; and

WHEREAS, staff recommends rejecting the bid received and rebidding the project because other potential vendors indicated they had meant to respond to the call for bids, and would respond if given another opportunity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the furnishing of one new submersible pump and driver, and opened in the Office of the City Clerk on March 14, 1989, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing one new submersible pump and driver to be opened April 18, 1989, at 3:05 p.m. 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 March, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION REJECTING ALL BIDS AND FURNISHING INFRARED HEARING AUGMENTATION SYSTEMS, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 14, 1989, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 89-327, adopted by the Council of the City of Modesto on February 14, 1989, approved the plans and specifications for furnishing infrared hearing augmentation systems, and authorized the call for bids; and

WHEREAS, the bids received for the infrared hearing augmentation systems were opened at 3:00 p.m. on March 14, 1989, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, only two firms responded to the call for bids, neither one meeting specifications; and

WHEREAS, because no bids were received that met specifications, and more potential vendors have been identified, it is the recommendation of staff that all bids be rejected and the project rebid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing infrared hearing augmentation systems, and opened in the Office of the City Clerk on March 14, 1989, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing infrared hearing augmentation systems to be opened April 18, 1989, at 3:00 p.m. 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 March, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-439

**A RESOLUTION ACCEPTING THE BID OF B & L BUILDERS, INC. FOR THE BOILER REPLACEMENT AT THE WATER QUALITY CONTROL PLANT**

**WHEREAS, Resolution No. 89-351, adopted by the Council of the City of Modesto on February 21, 1989, approved the plans and specifications for the boiler replacement at the Water Quality Control Plant and authorized the calling for bids; and**

**WHEREAS, the bids received for the boiler replacement at the Water Quality Control Plant**

**were opened at 11:00 a.m. on March 21, 1989, 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 B & L Builders, Inc. in the amount of \$94,244 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & L Builders, Inc. in the amount of \$94,244 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Sutton**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-440

**A RESOLUTION ACCEPTING THE BID OF CONTINENTAL FENCE COMPANY FOR THE BELLENITA PARK CHAIN-LINK FENCE INSTALLATION**

**WHEREAS, Resolution No. 89-375, adopted by the Council of the City of Modesto on February 28, 1989, approved the plans and specifications for the installation of the Bellenita Park chain link fence and authorized the calling for bids; and**

**WHEREAS, the bids received for the installation of the Bellenita Park chain link fence**

**were opened at 11:05 a.m. on March 21, 1989, 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 Continental Fence Company in the amount of \$8,012.80 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Continental Fence Company in the amount of \$8,012.80 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Sutton**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-441

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TREE INJECTICIDE FROM TARGET SPECIALTY PRODUCTS

WHEREAS, the Parks & Recreation Department - Tree Division, is requesting the purchase of tree injecticide, used to treat maple trees infested by insects; and

WHEREAS, Target Specialty Products of Fresno is the sole source for the purchase of this product.

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

BE IT FURTHER RESOLVED that purchase of tree injecticide from Target Specialty Products for a total price of \$18,162, 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 March, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-442

A RESOLUTION APPROVING THE FINAL MAP OF THE COMMONS  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Summerview Associates, a California General Partnership, whose partners are Redev Inc. and The William Lyon Company are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.334 acres, known as The Commons Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 2nd 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 The Commons 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,

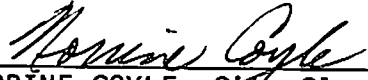
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map 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.

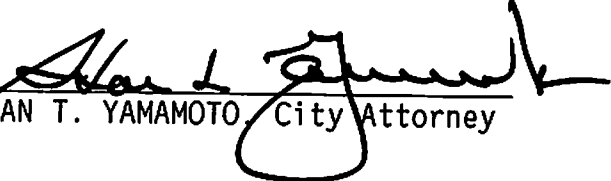
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-443

A RESOLUTION AMENDING PARAGRAPH 4. OF RESOLUTION NO. 86-1369 ENTITLED "A RESOLUTION ESTABLISHING THE CITY OF MODESTO YOUTH COMMISSION AND SUPERSEDING RESOLUTION NO. 74-352" TO CHANGE THE METHOD OF RECOMMENDATION OF STUDENTS TO BE APPOINTED TO THE COMMISSION.

WHEREAS, on December 16, 1986, the City Council adopted Resolution No. 86-1369 entitled "A Resolution Establishing the City of Modesto Youth Commission and Superseding Resolution No. 74-352", and

WHEREAS, currently, a selection board comprised of the presidents of the student bodies, the seniors of the Inter-High Council and the outgoing commissioners recommend interested students for appointment by the City Council to the Youth Commission, and

WHEREAS, the Modesto Youth Commission has recommended a revision in the selection process by which principals of each high school would recommend the names of interested students to serve on the Modesto Youth Commission to the City Council, and

WHEREAS, at its meeting of March 28, 1989, the Council considered said revision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Paragraph 4 of Resolution No. 86-1369 entitled "A Resolution Establishing the City of Modesto Youth Commission and Superseding Resolution No. 74-352" is hereby amended to read as follows to change the method of recommendation of students to be appointed to the Commission:

"4. The principals of each of the high schools shall recommend the names of students who are interested in serving on the Commission to the City Council for appointment as commissioners. In order to be appointed and serve as a commissioner a student must:

- (a) Live within the boundaries of the Modesto High School District of Stanislaus County, California.
- (b) Be a full-time student enrolled at one of the high schools located in the Modesto High School District of Stanislaus County, California, including private and parochial schools.
- (c) Be under the age of eighteen (18) years at the time of appointment."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-444

A RESOLUTION APPROVING A GRANT OF EASEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT, GRANTING A RIGHT-OF-WAY EASEMENT AT GEER ROAD LANDFILL FOR MAINTAINING ELECTRICAL SERVICE LINES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Grant of Easement between the City of Modesto and Modesto Irrigation District granting a right-of-way easement at Geer Road Landfill for maintaining electrical service lines be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-445

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BENSON'S AUTODISMANTLING AT 573 CROWS LANDING ROAD, AUTHORIZING THE CONTINUED USE OF THE EXISTING PRIVATE WATER WELL, AND SUPERSEDING RESOLUTION NO. 86-1

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Benson's Auto Dismantling at 573 Crows Landing Road, authorizing the continued use of the existing private water well be, and it is hereby approved.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 86-1, adopted by the Council on January 7, 1986.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-446

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$112,100 FROM THE SEWER FUND CONTINGENCY RESERVE TO PAY THE TAXES ON THE HAILWOOD PROPERTY

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

FROM: Sewer Fund Contingency Reserve            \$112,100  
      (621 800 8000 8003)

TO: Sewer Treatment Secondary - Taxes        \$112,100  
      (621 480 5214 0430)

Tax payback required to original owner of Hailwood Inc. property and payment required for escaped taxes as per reassessment at time of property transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-447

A RESOLUTION APPROVING EXTENDING THE MONTHLY INSTALLMENT PAYMENT DATE FROM APRIL 1, 1989 TO AUGUST 1, 1989, FOR THE PROMISSORY NOTE DATED NOVEMBER 1, 1988 BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HUMAN SERVICES FOR MATCHING LOAN OF \$50,000 UNDER THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO BUILD A RESIDENTIAL HOUSE FOR RUNAWAY CHILDREN.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the request of the Center for Human Services to extend the monthly installment payment date from April 1, 1989 to August 1, 1989, for the promissory note dated November 1, 1988 between the City of Modesto and the Center for Human Services for the matching loan of \$50,000 under the City's Community Development Block Grant Program to build a residential house for runaway children be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said modified promissory 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 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-448

A RESOLUTION APPROVING 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, 1989, 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 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,

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 \$165,000, 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 1988-89 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 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-449**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$165,000 FROM CONTINGENCY RESERVE TO REMOVE HANDICAP BARRIER IN FIVE CITY PARK RESTROOMS**

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

FROM:	Contingency Reserve (111 800 8000 8003)	\$165,000
TO:	Restroom Remodel - Parks (111 140 6158 6000)	\$165,000

To provide funding for new project under Handicapped Barrier Removal Program, to remove handicap barrier in five City park restrooms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Sutton

**ATTEST:**

  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-450

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
AUTHORIZING ONE OR MORE INTEREST RATE SWAP TRANSACTIONS  
WITH MERRILL LYNCH CAPITAL SERVICES, INC. AND THE  
EXECUTION AND DELIVERY OF INTEREST RATE TRANSACTION  
SUPPLEMENTS IN CONNECTION WITH A PREVIOUSLY EXECUTED  
MASTER INTEREST EXCHANGE AGREEMENT AND APPROVING AND  
DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Modesto (the "City") has entered into a Tax Exempt Master Interest Exchange Agreement dated April 1, 1987 (the "Master Agreement") with Merrill Lynch Capital Services, Inc. ("Merrill Lynch") pursuant to which, under the terms of one or more Rate Swap Transactions ("Transaction Supplements"), Merrill Lynch and the City may from time to time each agree to make payments to the other in accordance with the terms thereof, and

WHEREAS, by engaging in interest rate swap transactions from time to time, the City can, in effect, convert interest on all or a portion of the City's debt from a fixed rate to a floating rate, or from a floating rate to a fixed rate, and therefore reduce the debt service costs of its outstanding debt or the risk of variations in its debt service costs, and increase the predictability of cash flow from earnings on invested funds and thereby improve the City's ability to manage its funds and revenues during the period of the proposed transaction, and

WHEREAS, it is necessary and advisable for the City to enter into one or more Transaction Supplements under the Master Agreement and to take such other actions as are necessary or desirable in connection therewith.

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

SECTION 1. The City is hereby authorized to entered into, from time to time, as determined by the City Manager or in the absence of the City Manager, the Deputy City Manager to be in the best interests of the City, interest rate swap transactions pursuant to the Master Agreement and Transaction Supplements. The terms of each interest rate swap transaction shall be as described in the Master Agreement and as provided in the related Transaction Supplement, as approved from time to time by the officers of the City authorized to execute the Transaction Supplement.

SECTION 2. The form of the Transaction Supplement is hereby approved in substantially the form attached to the Master Agreement, with such modifications therein as authorized by the Master Agreement and as approved by the officers of the City authorized to execute the Transaction Supplement.

SECTION 3. The City Manager and in the absence of the City Manager, the Deputy City Manager of the City are each hereby authorized on behalf of the City to execute and deliver each Transaction Supplement with only such changes, modifications, omissions or insertions as such officer shall approve, and the execution of each such Transaction Supplement shall be deemed to be full and complete approval of any such change, modification, omission or insertion.

SECTION 4. The City Manager, the Deputy City Manager, the Finance Director, the City Attorney, and the City Clerk or their respective delegates are each hereby authorized on behalf of the City to do all acts and things required or provided by the provisions of the Master Agreement, the

Transaction Supplements and this Resolution and any certificates, agreements, consents, warrants or documents executed and delivered on behalf of the City in connection therewith, to pay all fees and expenses in connection with the interest rate swap transactions, including, without limitation, the fees and expenses of Merrill Lynch, and to take any other actions, which they or any of them deem necessary, desirable or appropriate in order to effect any of the transactions contemplated by the documents approved pursuant to this Resolution, including, without limitation, oral confirmation and acceptance of the terms of any interest rate swap transaction.

SECTION 5. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1989, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-451

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ANITA ADAMS FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE MARCH 28, 1989

WHEREAS, Anita Adams was appointed a member of the Affirmative Action Commission on September 8, 1987; and

WHEREAS, Anita Adams has tendered her resignation from the Affirmative Action Commission, effective March 28, 1989; and

WHEREAS, Anita Adams 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 Anita Adams from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Anita Adams 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 28th day of March, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-452

A RESOLUTION APPOINTING MEMBER OF THE INTERNATIONAL FRIENDSHIP COMMITTEE  
(DONALD KNIES)

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

SECTION 1. The following person is hereby appointed to the International  
Friendship Committee for the respective term as indicated:

Donald Knies  
1216 Gloria Way  
Modesto, Ca. 95350  
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 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 28th day of March , 1989 ,  
by Councilmember McGrath , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-453

A RESOLUTION ACCEPTING AS COMPLETE THE PHASE I DEVELOPMENT  
OF MCKINNEY COLONY NEIGHBORHOOD PARK.

WHEREAS, as the result of litigation concerning the validity of the City of Modesto's approval of a 119 lot subdivision, RULE ENTERPRISES, a California corporation, the proponent of said subdivision, entered into a written agreement with the City of Modesto to construct and install, at its sole cost and expense, the Phase I improvements to the McKinney Colony Neighborhood Park, and

WHEREAS, the Director of Parks And Recreation has filed a report recommending that said Phase I improvements be accepted as complete and that the bond posted by RULE ENTERPRISES securing the completion of said improvements be released,

NOW, THEREFORE, BE IT RESOLVED that the Phase I Development of McKinney Colony Neighborhood Park be accepted as complete from RULE ENTERPRISES and, further, that the \$200,000.00 Performance Bond posted by RULE ENTERPRISES be released.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-454

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF ADDITIONAL TRACK LIGHTING  
AT MCHENRY MANSION

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

SECTION 1. The plans and specifications for the installation of additional track lighting at McHenry Mansion 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 25, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-455

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF MILDRED PERKINS NEIGHBOR-  
HOOD PARK

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

SECTION 1. The plans and specifications for the construction of  
Mildred Perkins Neighborhood Park  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on April 25, 1989, 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-456

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING FOR PRINTING BROCHURES  
FOR THE MODESTO CENTRE PLAZA

WHEREAS, Resolution No. 89-350 , adopted by the Council of the City of Modesto on February 21, 1989 , approved the plans and specifications for the printing of brochures for the Modesto Centre Plaza

and authorized the calling for bids; and

WHEREAS, the bids received for the printing of brochures for the Modesto Centre Plaza were opened at 3:00 p.m. on March 21, 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 Willey Printing for the total cost of \$13,966 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Willey Printing for the total cost of \$13,966 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 4th day of April , 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-457

A RESOLUTION ACCEPTING THE ASBESTOS ABATEMENT PROJECT AT THE CROCKER BUILDING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the asbestos abatement project at the Crocker Building

has been completed by Asbestos Control Group, Inc.

in accordance with the contract agreement dated August 2, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the asbestos abatement project at the Crocker Building

be accepted from said contractor, Asbestos Control Group, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$4,650 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-458

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AWARDING A TWO-YEAR CONTRACT TO PROVIDE LIGHTING AND SOUND SERVICES FOR THE CENTRE PLAZA TO WEST COAST SOUND & LIGHT

WHEREAS, West Coast Sound & Light was awarded a contract in Fiscal Year 1988-89, based on competitive bidding; and

WHEREAS, it is the recommendation of staff that Council waive bids and renew the contract with West Coast Sound & Light as they have provided superior service this past year and have agreed to maintain their quoted rates for the next two years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for a two-year contract to provide lighting and sound services for the Centre Plaza is hereby waived.

BE IT FURTHER RESOLVED that award of a two-year contract to provide lighting and sound services for the Centre Plaza to West Coast Sound & Light 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 April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-459

A RESOLUTION INITIATING PROCEEDINGS FOR THE FORMATION OF A LANDSCAPE  
MAINTENANCE DISTRICT DESIGNATED AS ASSESSMENT DISTRICT NO. 2  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).

WHEREAS, a vesting tentative map of the Dry Creek Meadows No. 2  
Subdivision was approved by Modesto Planning Commission Resolution No. 87-52,  
and

WHEREAS, condition no. 16 of Resolution No. 87-52 provides:

That prior to recordation of a final map the subdivider shall  
do all acts necessary to establish a "Special Assessment  
Benefit District for Landscaping (SABDL) in accordance with the  
provisions of Modesto City Council Resolution No. 86-488. Said  
SABDL shall be for the purpose of financing the construction  
and on-going maintenance of landscaping along the proposed  
Creekwood Drive and Claus Road."

and

WHEREAS, the subdivider, The William Lyon Company, is now prepared  
to record its final map for Dry Creek Meadows No. 2 as above-described, and

WHEREAS, subdivider has requested City assistance to expedite the  
creation of a landscape maintenance district, and

WHEREAS, a summary proceeding for the establishment of a landscape  
maintenance district exists pursuant to the Landscaping and Lighting Act of  
1972 (Section 22500 and following, California Streets and Highways Code), and

WHEREAS, the creation of a landscape maintenance district which  
would encompass a portion of Dry Creek Meadows No. 2 can be accomplished by  
either City's local ordinance or State law, and

WHEREAS, the subdivider has requested and consented to proceeding  
under the Landscaping and Lighting Act of 1972 as opposed to City's local  
ordinance,

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

1. The public interest, convenience and necessity require, and that it hereby initiates proceedings for the formation of a landscape maintenance district, Assessment District No. 2, pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, Streets and Highways Code) for the purpose of the following:

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 behind the curblin e of Claus Road, and any and all improvements required for such maintenance including but not limited to landscape irrigation systems.

2. All of said landscape maintenance work shall be performed upon the improvements to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on said plans to be done therein. Said streets and highways are or will be more particularly shown in the records in the office of the City Clerk of the City of Modesto, and shall be shown upon said plans.

3. The descriptions of the landscape maintenance work and improvements and the termini of the work contained in this Resolution are general in nature. All items of said work do not necessarily extend for the full length of the description thereof. The plans and profiles of said work and maps and descriptions as contained in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

4. Said contemplated landscape maintenance work upon said improvements, in the opinion of this Council, are of more than local or ordinary benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

5. This Council declares that all public streets, highways, lanes and alleys within said assessment district in use in the performance of a public function and all lands owned by any public entity, including any federal or state governmental agency or another public agency thereof, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said landscape maintenance work.

6. Said landscape maintenance work is hereby referred to Roy A. Galli, Mid-Valley Engineering, as Engineer of Work for this landscape maintenance district and said Engineer of Work is hereby directed to make and file with said Clerk a report in writing, presenting at least the following:

A. Plans and specifications for the landscape maintenance work and improvements are filed with the City Clerk. Although they may be separately bound, the plans and specifications shall be a part of the Engineer of Work's report and are to be included in it by reference.

B. An estimate of the costs and expenses of the landscape maintenance work.

C. An assessment of the estimated cost of the landscape maintenance work on each benefitted parcel of land within the landscape maintenance district.

D. A statement of the method by which the Engineer of Work has determined the amount proposed to be assessed against each parcel.

E. A list of the names and addresses of the owners of real property within the proposed landscape maintenance district, as shown on the last equalized assessment roll for taxes, or as known to the clerk.

F. A diagram showing all of the parcels of real property within the proposed landscape maintenance district.

7. If any surplus or deficit in the landscape maintenance work fund of the landscape maintenance district at the end of any fiscal year is realized, the surplus or deficit shall be carried forward to the next annual assessment to be levied within said district and applied as a credit or a debit, as the case may be, against such assessment.

If a deficit in the landscape maintenance work fund of the landscape maintenance district at the end of any fiscal year is realized, the Council, from any available and unencumbered funds of the City may provide for a temporary advance to the landscape maintenance work fund and direct that the

advance be repaid from the next annual assessments levied and collected within the landscape maintenance district.

8. 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 and 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 if 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

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. 89-460

A RESOLUTION ORDERING THE FORMATION OF A LANDSCAPE MAINTENANCE DISTRICT DESIGNATED AS ASSESSMENT DISTRICT NO. 2 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).

WHEREAS, on this 4th day of April, 1989, the Council adopted its Resolution Initiating Proceedings for the formation of a Maintenance District, Assessment District No. 2, City of Modesto, Stanislaus County, California, and directed the preparation and filing of an Engineer's Report on the proposed formation, and

WHEREAS, the Engineer of Work for the proceedings has filed an Engineer's Report with the City Clerk, and

WHEREAS, the owner of all land within the boundaries of the proposed landscape maintenance district, being the William Lyon Company, has filed his consent to the formation of the proposed district without notice or hearing, and to the adoption of the Engineer's Report and the levy of assessments stated therein,

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

1. The Council hereby orders the formation of the landscape maintenance district, Assessment District No. 2 described in the Resolution Initiating Proceedings and in the Engineer's Report.

2. The Council hereby confirms the diagram and assessments contained in the Engineer's Report and levies the assessment for the fiscal year 1990-1991.

3. The City Clerk shall file with the County Auditor of the County of Stanislaus a certified copy of the Engineer's Report, including assessment and assessment diagram, for Assessment District No. 2, City of Modesto, pursuant to Section 22641 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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.89-461

A RESOLUTION CERTIFYING ENGINEER'S REPORT  
FOR ASSESSMENT DISTRICT NO. 2  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).

TO THE COUNTY AUDITOR OF THE COUNTY OF STANISLAUS:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessment and assessment diagram, for Assessment District No. 2, City of Modesto, confirmed by the City Council of the City of Modesto on the 4th day of April, 1989, by its Resolution No. 89-460.

This document is certified and is filed with you, pursuant to Section 22641 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

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. 89-462

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 TO COVER EXPENSES OF THE SOVIET WOMEN'S DELEGATION VISIT TO MODESTO

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

FROM: General Fund Reserves \$1,500  
(010 800 8000 8003)

TO: International Friendship Committee \$1,500  
(010 502 6502 0444)

Funds are needed to cover the expenses of the Soviet Women's delegation visit to Modesto the week of April 15 - 23, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-463**

**A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK  
MEADOWS NO. 7 SUBDIVISION OF THE CITY OF MODESTO.**

**WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 17.523 acres, known as the Dry Creek Meadows No. 7 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 April, 1987, 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 Meadows 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,**

**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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

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. 89-464

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK MEADOWS NO. 8 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 14.757 acres, known as the Dry Creek Meadows No. 8 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 April, 1987, 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 Meadows No. 8 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-465

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK MEADOWS NO. 9 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 27.632 acres, known as the Dry Creek Meadows No. 9 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 April, 1987, 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 Meadows No. 9 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-466

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK MEADOWS No. 10 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The William Lyon Company, a corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 67.975 acres, known as the Dry Creek Meadows No. 10 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 April, 1987, 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 Meadows No. 10 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Sutton

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. 89-467

A RESOLUTION APPROVING THE FINAL MAP OF THE WILLOW GROVE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Summerview Associates, a California General Partnership,  
whose partners are Redev, Inc. and The William Lyon Company is possessed of a  
tract of land situate in the City of Modesto, County of Stanislaus, consisting  
of 6.000 acres, known as the Willow Grove Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 7th day of November, 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 Willow Grove 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-468

A RESOLUTION APPROVING THE FINAL MAP OF THE NARAGHI LAKES  
NO. 7 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Hashem Naraghi, an unmarried man is possessed of a tract of  
land situate in the City of Modesto, County of Stanislaus, consisting of 5.378  
acres, known as the Naraghi Lakes No. 7 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 18th day of May, 1987, 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 Naraghi Lakes 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-469

A RESOLUTION OF INTENTION TO TEMPORARILY CLOSE WALNUT WAY  
AT THE NORTH END OF THE APPROVED NUNES FARMS VESTING  
TENTATIVE SUBDIVISION MAP.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Mid-Valley Engineering on behalf of Arthur and Joanne Nunes to temporarily close Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision Map, and

WHEREAS, the City Council referred the request of the Modesto Police Department to the Planning Commission for a report and recommendation, and

WHEREAS, the proposed temporary closure has been referred to affected City departments and local utility companies, and no objection to the temporary closure has been received, and

WHEREAS, notices of an informal public hearing to consider the request to temporarily close Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision Map were posted in the area and said public hearing was held on July 18, 1988, and

WHEREAS, the Planning Commission by Resolution No. 88-85, adopted on July 18, 1988, found and determined as follows:

1. That the current paved width of Walnut Avenue is 12 feet and this width is not adequate to handle traffic from the Nunes Farms Subdivision to Rouse Avenue to the north.
2. That the temporary closure is needed until Walnut Way north of Nunes Farms Subdivision is widened and improved.
3. That adequate access will be provided to affected properties south of the point of closure.

and

WHEREAS, the Planning Commission by said Resolution No. 88-85 recommended to the City Council that the temporary closure of Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision map be approved subject to the following conditions:

1. That the Red Pine Reorganization must be approved and in effect before street closure occurs.
2. That prior to final approval of this temporary closure by the City Council, the developer of the Nunes Farms Subdivision shall agree in writing to comply with all conditions of closure imposed by the Council. Said agreement shall be in a form approved by the City Attorney. The conditions of closure are as follows:
  - a. That a barricade shall be installed on Walnut Way at the north end of the Nunes Farms Subdivision as approved by the Public Works and Transportation Director.
  - b. That said barricade shall be installed prior to issuance of any building permit for the Nunes Farms Subdivision.
  - c. That before said barricade is installed, a paved accessway of least 40 feet wide must be provided to Crippen Avenue or Radley Place at a minimum for the existing homes south of the closure.

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 temporarily close Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision Map marked "Map A" attached hereto and by this reference made a part hereof as though set forth in full herein, subject to the conditions recommended by the Planning Commission and hereinabove set forth.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed temporary closure of said Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision Map referred to above.

SECTION 3. Notice is hereby given that April 25, 1989, 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 temporary closure.

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 Director of Planning and Community Development is hereby directed to cause notices of the proposed temporary closure of said Walnut Way at the north end of the approved Nunes Farms Vesting Tentative Subdivision Map to be posted conspicuously along Walnut Way from the north end of the future Robertson Road Park to Rouse Avenue 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 temporarily closed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. Christian  
PUBLIC WORKS DEPARTMENT  
Engineering Services Division

PINE TREE VILLAGE ESTATES  
59-NI-82

EX. 6" W.C.  
SEWER MAIN  
CITY OF ALBUQUERQUE

EX. 6" W.C.  
SEWER MAIN  
EX. 27" ACED  
SEWER TRUNK

CITY OF MODESTO  
ROBERTSON ROAD BRASS

STANISLAUS COUNTY  
HOUSING AUTHORITY

VICTOR ESTATES  
28-NI-63

EX. 6" W.C.  
SEWER MAIN  
EX. 6" W.C.  
SEWER MAIN

LONE PINE DRIVE

GRIPPEN AVENUE

RED PINE DRIVE

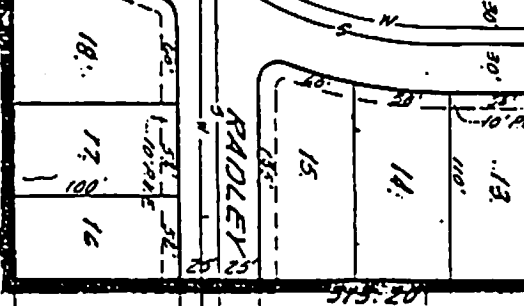
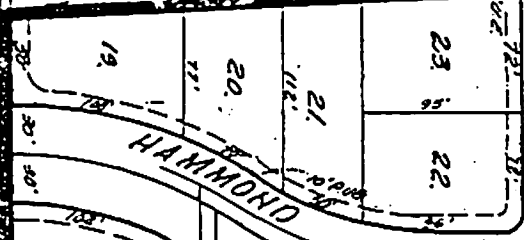
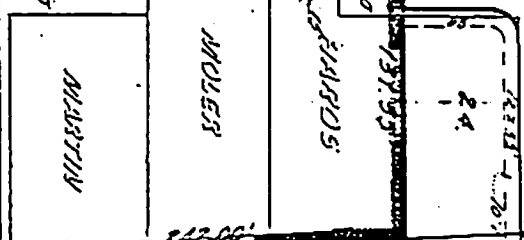
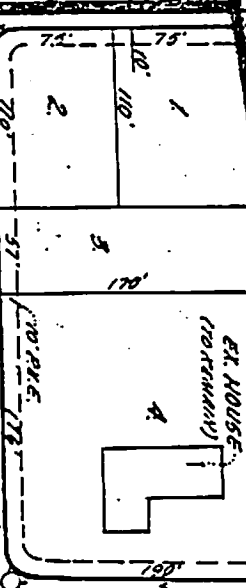
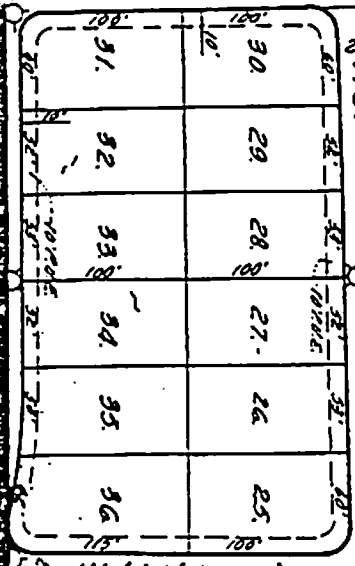
HAMMOND AVENUE

HAMMOND AVENUE

AVENUE

RADLEY PLACE

PLACE

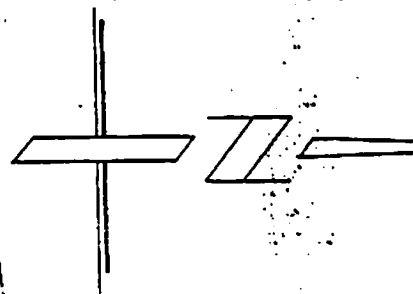


Point of Closure

EX. 4" WATER  
LINE (DEL ESTE  
WATER COMPANY)

HAMILTON

WILLIAMS



MODESTO CITY COUNCIL  
RESOLUTION NO. 89-470

A RESOLUTION APPROVING A CONTRACT AMENDMENT TO EXTEND THE STATE GRANT FOR THE TRANSPORTATION CENTER THROUGH DECEMBER 30, 1990

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, by Resolution No. 88-257 extending the contract through June 30, 1989; and

WHEREAS, the Transportation Center will not be completed by June 30, 1989, and it is necessary to request the grant contract be extended through December 30, 1990.

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 December 30, 1990, and authorizes the 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-471

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
C.J. RUMBLE AND SONS, INC. FOR THE LEASE OF CHRYSLER 99 # 2 PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and C.J. Rumble and Sons, Inc., for  
the lease of Chrysler 99 #2 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 4th day of April ,  
19 89 , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-472

A RESOLUTION APPROVING AN EASEMENT DEED ACROSS PARKING LOT 2A (LOTUS RESTAURANT)  
FOR MODESTO IRRIGATION DISTRICT ELECTRICAL FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement deed between the City of Modesto and Modesto Irrigation District for electrical facilities across parking lot 2 A (Lotus Restaurant) 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 4th day of April, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-473

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS UNION SCHOOL DISTRICT CONCERNING PURCHASE OF SNYDER SCHOOL SITE WITH LOT TAX MONEY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Stanislaus Union School District concerning purchase of Snyder School site with lot tax money be, and 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 4th day of April, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.89-474

A RESOLUTION AMENDING THE 1988-89 COMMUNITY DEVELOPMENT BLOCK GRANT FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY AUTHORIZING A GRANT NOT TO EXCEED \$72,000 TO PLAN AND BUILD AN EIGHT FOOT MASONRY WALL ALONG THE PRESCOTT ROAD BORDER FOR MODESTO VERDE MOBILE HOME ESTATES, AND AN APPROPRIATION TRANSFER TO FINANCE THE PROJECT FROM RESERVES.

WHEREAS, The Community Development Block Grant Program requires primary benefit to low and moderate income persons; and

WHEREAS, Modesto Verde Homeowners Association has requested City assistance in erecting a wall for protection from vandalism and road sound, and to provide more privacy; and

WHEREAS, City staff has determined that a majority of the Modesto Verde residents are low income persons; and

WHEREAS, the Citizens Housing and Community Development Committee, at its meeting on March 17, 1989, voted to recommend this project to the City Council for approval.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the 1988-89 Community Development Block Grant Final Statement of Community Development Objectives by approving the request to provide funding not to exceed \$72,000 for the construction of a masonry wall on the Prescott Road border of Modesto Verde Mobile Home Estates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember McGrath , 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

**NOES:**           **Councilmembers:**       None

**ABSENT:**       **Councilmembers:**       None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-475

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$72,000 FROM CONTINGENCY RESERVE TO FINANCE AN 8 FOOT MASONRY WALL ALONG THE PRESCOTT ROAD BORDER FOR MODESTO VERDE MOBILE HOME ESTATES**

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

FROM:	CDBG Reserve (111 800 8000 8003)	\$72,000
TO:	Modesto Verde Masonry Wall (113 140 6704 6000)	\$72,000

To finance construction of an eight foot masonry wall along the Prescott Road border for Modesto Verde Mobile Home Estates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-476

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING IMPRINTED VINYL BINDERS

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

SECTION 1. The plans and specifications for the purchase of imprinted vinyl binders 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 2, 1989, at 3:00 p.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 April, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-477

A RESOLUTION ACCEPTING THE BID OF BANKS & COMPANY FOR FURNISHING AND INSTALLING TWO HYDRAULIC RAIL LIFTS

WHEREAS, Resolution No. 89-348 , adopted by the Council of the City of Modesto on February 21, 1989 , approved the plans and specifications for the purchase of two hydraulic rail lifts

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing and installing of two hydraulic rail lifts were opened at 3:20 p.m. on March 14, 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 Banks & Company in the amount of \$12,068.60 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Banks & Company for a total cost of \$12,068.60 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 11th day of April , 19 89 , by Councilmember McGrath , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-478

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE REVENUES AND APPROPRIATE ADDITIONAL FUNDING FOR THE MORTON BOULEVARD TRESTLE MODIFICATION PROJECT.

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for fiscal year 1988-89 to provide additional funding for the Morton Boulevard Trestle Modification project, and

WHEREAS, bids received on the project exceeded initial estimates, resulting in additional revenues to be provided by M&ET and by the City to cover the additional costs,

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 1988-89:

<u>Fund/Agy/Org/Object</u> <u>Expenditures</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
070/430/G545/6000	Morton Blvd Trestle Modification	\$103,512
070/800/8000/8003	Contingency Reserve	\$(31,756)
 <u>Revenues</u>		
070/510/9510/4057	Developer's Share of Street Project (M&ET)	\$71,756

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 11th day of April, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, and 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. 89-479

A RESOLUTION ACCEPTING THE BID OF RISING SUN COMPANY FOR THE MORTON BOULEVARD  
TRESTLE REPLACEMENT CONSTRUCTION

WHEREAS, Resolution No. 89-81 , adopted by the Council of the City of Modesto on February 7, 1989 , approved the plans and specifications for the Morton Boulevard trestle replacement construction

and authorized the calling for bids; and

WHEREAS, the bids received for the Morton Boulevard trestle replacement construction

were opened at 11:00 a.m. on February 28, 1989 ,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 Rising Sun Company in the amount of \$297,202 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rising Sun Company in the amount of \$297,202 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 11th day of April , 1989 , by Councilmember McGrath , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers; None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-480

A RESOLUTION ACCEPTING THE CAPE SEAL OF VARIOUS STREETS 1988, AND DRYDEN GOLF COURSE PARKING LOT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the cape seal of various streets 1988, and Dryden Golf Course parking lot

has been completed by Graham Contractors, Inc.

in accordance with the contract agreement dated July 26, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the cape seal of various streets 1988, and Dryden Golf Course parking lot

be accepted from said contractor, Graham Contractors, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$52,424.80 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 11th day of April, 19 89, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-481

A RESOLUTION ACCEPTING THE COLDWELL AVENUE RECONSTRUCTION FROM COLLEGE TO TULLY AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Coldwell Avenue reconstruction from College to Tully has been completed by Granite Construction Company in accordance with the contract agreement dated April 26, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Coldwell Avenue reconstruction from College to Tully

be accepted from said contractor, Granite Construction Company ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$309,898.03 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-482

A RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY LOCATED AT 101 A, B, C, AND D "I" STREET, 107-109 "I" STREET, AND 905 SECOND STREET, BY BID SELECTED BY LOTTERY, AND AUTHORIZING THE CITY MANAGER TO SIGN A FORM ENTITLED "EXCLUSIVE AUTHORIZATION AND RIGHT TO SELL".

WHEREAS, property located at 101 A, B, C, and D "I" Street, 107-109 "I" Street, and 905 Second Street was foreclosed upon after the property owner defaulted on his/her City rehabilitation loan, and

WHEREAS, the Rehabilitation Loan Pool Subcommittee and the Citizens Housing and Community Development Committee recommended that the property be listed with a Multiple Listing Agent in order to attract the highest possible competitive bids, and

WHEREAS, listing said property with a Multiple Listing Agent was agreed upon by the City Council, and

WHEREAS, eight Multiple Listing Realtors responded by the bid due date and staff evaluated the bids which bids were identical in all major areas:

- 1) All bidders listed six percent commission,
- 2) All bidders had recently sold property on the West side.
- 3) All bidders had an appraisal and marketing evaluation prepared on the property, and

WHEREAS, there being no distinguishing factor to select any one realtor, an impasse existed, therefore, City staff decided to select a realtor by drawing lots, and

WHEREAS, on March 14, 1989, the bid selected by lottery was Wolverine Real Estate, Paul Lambert as Agent, and

WHEREAS, City staff required a 90-day marketing period with a listing price of \$189,900, and

WHEREAS, should bids not be received during said 90-day period, the City may allow the agreement with Wolverine Real Estate, Paul Lambert as Agent, expire and another realtor may be selected from the remaining seven bidders,

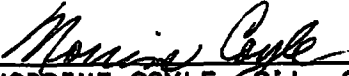
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sale of City property located at 101 A, B, C, and D "I" Street, 107-109 "I" Street, and 905 Second Street, by bid selected by lottery, and authorizing the City Manager to sign a form entitled "Exclusive Authorization and Right to Sell".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

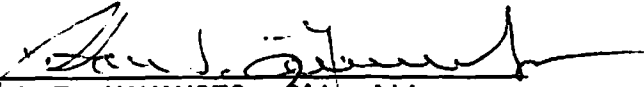
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

050989

-2-

WPCA2-82

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-483

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING 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

WHEREAS, leaks developed by corrosion in the 60" outfall trunk sewer which carries effluent from the Water Quality Control Plant on Sutter Avenue to the Jennings Road ponds and a similar condition with the concrete dome of the vacuator at the Water Quality Control Plant necessitate repair before they can be used again; and

WHEREAS, there is not enough time to formally bid the project and put both the vacuator and pipeline in service prior to the cannery season this year and staff suggests formal bids be waived for the preservation of the public health; and

WHEREAS, Sancon Engineering, Inc. has had extensive experience in the application of urethane and because of satisfactory completion of previous projects at the Water Quality Control Plant, staff recommends a purchase order be issued to Sancon Engineering, Inc.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the emergency repair to the 60" outfall trunk sewer and vacuator dome at the Water Quality Control Plant is hereby waived.

BE IT FURTHER RESOLVED that a purchase order to Sancon Engineering, Inc., in the amount of \$283,500, for the emergency repair to the 60" outfall trunk sewer and vacuator dome 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 11th day of April, 1989, by Councilmember McGrath , 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-484

A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH CHILDREN'S CRISIS CENTER FOR A FUNDING REQUEST NOT TO EXCEED \$5,000, TO PURCHASE EQUIPMENT FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, on September 22, 1987, by Resolution No. 87-1090, Council approved an agreement with the Children's Crisis Center for funding of rehabilitation under the Community Development Block Grant Program for 1987-88; and

WHEREAS, the Children's Crisis Center has completed the necessary installations and repairs and are in need of equipment to maintain the premises and care for their children-clients.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and the Children's Crisis Center for funding of \$5,000 to purchase equipment from the Community Development Block Grant Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember McGrath , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-485

A RESOLUTION APPROVING THE DISTRIBUTION OF \$25,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS TO INSTALL HANDICAPPED ACCESSIBLE DOORS AT THE REAR ENTRANCE OF CITY HALL.

WHEREAS, the Citizens Housing and Community Development Committee at its meeting held on March 17, 1989, considered a request for funding under the Handicapped Barrier Removal Program to install handicapped accessible doors at the rear entrance of City Hall, and

WHEREAS, the Citizens Housing and Community Development Committee approved the request for funding under the Handicapped Barrier Removal Program and recommended the project to the City Council for its approval, and

WHEREAS, at its meeting of April 11, 1989, 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 install handicapped accessible doors at the rear entrance of City Hall to cause City Hall to be more 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, the 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 in the amount of \$25,000, to install handicapped accessible doors at the rear entrance of City Hall to cause City Hall to be more accessible to the handicapped, as recommended by the Citizens Housing and Community Development Committee, from funds in the Fiscal Year 1988-89 budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-486

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION FOR  
RENTAL REHABILITATION GRANT FUNDS FOR FISCAL YEAR 1989-90

BE IT RESOLVED by the Council of the City of Modesto that the submission of an application for \$75,000 of Rental Rehabilitation Grant funds for fiscal year 1989-90 for the rehabilitation of low-income rentals in the Westside Target Area #3 as recommended by the Citizens Housing and Community Development Committee 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 11th day of April, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-487

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN EMPIRE SURPLUS LINES/MARSH & McLENNAN FOR RENEWAL OF THE PUBLIC OFFICIALS ERRORS & OMISSIONS POLICY FOR THE POLICY PERIOD MARCH 1, 1989 - MARCH 1, 1990

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/ Marsh & McLennan, for renewal of the Public Officials Errors & Omissions Policy for the policy period March 1, 1989 - March 1, 1990 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-488

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GARNET L. COLE FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1729 WOODLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Garnet L. Cole for water service to property outside City limits at 1729 Woodland Avenue, located on the north side of Woodland Avenue between Carpenter Road and Bennett 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 11th day of April, 1989, by Councilmember McGrath , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-489

A RESOLUTION SUPPORTING MEASURE S.

WHEREAS, the public interest and necessity demand the acquisition, construction and completion of the Public Safety Program and to issue general obligation bonds of the City to finance the cost thereof, subject to a vote of the electorate, and

WHEREAS, the matter is entitled Measure S and is set for public vote on June 6, 1989,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council fully supports and endorses passage of Measure S that will appear on the June 6, 1989 ballot, which measure reads as follows:

MEASURE S

City of Modesto Safety General Obligation Bond Measure

Shall Ord. No. 2654-C.S., adopted by the City of Modesto on March 14, 1989, be approved in order to authorize the issuance of general obligation bonds in the principal amount of thirty-one million three hundred thousand dollars (\$31,300,000) for the purpose of the acquisition, construction and completion of certain public safety improvements consisting of Police and Fire Facilities and all appurtenances thereto as more particularly described in said Ordinance?

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath, Patterson

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. 89-490

A RESOLUTION DENYING THE APPEAL OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY TO A DECISION OF THE BOARD OF BUILDING APPEALS APPROVING THE USE OF A SOVENT PLUMBING SYSTEM IN THE RED LION INN AND UPHOLDING THE DECISION OF THE BOARD OF BUILDING APPEALS.

WHEREAS, a public hearing was held by the Board of Building Appeals of the City of Modesto at 4:00 p.m. on March 16, 1989, in the Council Chambers in City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., to consider an appeal by the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry to a decision of the Chief Building Official approving the use of a Sovent Plumbing System in the Red Lion Inn, and

WHEREAS, based on evidence, both oral and written presented before the Board of Building Appeals on March 16, 1989, the Board, by Decision and Order No. 1-89, found that the appeal of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry should be denied and the decision of the Chief Building Official approving the Sovent System as an equivalent method of construction should be upheld, and

WHEREAS, by said Decision and Order No. 1-89 adopted by the Board of Building Appeals of the City of Modesto the Board denied said appeal and upheld the decision of the Chief Building Official, and

WHEREAS, an appeal to the decision of the Board of Building Appeals denial of the request of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry was filed with the Office of the City Clerk on March 17, 1989, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting placed located in the Council Chambers in City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on April 18, 1989, and

WHEREAS, at said meeting the Council, after hearing evidence both oral and documentary, found and determined that the appeal of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry to the decision of the Board of Building Appeals should be denied and the decision of the Board of Building Appeals should be affirmed for the reasons set forth in Board of Building Appeals Decision and Order No. 1-89 and quoted below:

1. The Sovent System is approved as an equivalent alternative as permitted under Section 201(f) of the Modesto Plumbing Code. The system is to be sized and approved by a California licensed mechanical engineer. The installation is to be inspected by a California licensed mechanical engineer to ensure compliance with the design.
2. The kitchen, restaurant, and laundry facilities are located on the first floor and are plumbed with a conventional system. The top four floors are office areas and are plumbed with a conventional system. These systems are independent of the Sovent System to eliminate potential problems of sudsing and/or backup.
3. The Sovent System is to comply with the requirement of Design Manual No. 802 for cast iron single stack DWV both in design and construction.
4. The Sovent System conforms to nationally recognized plumbing standards.
5. The Sovent System is approved for this application at the Red Lion Inn.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry to the decision of the Board of Building Appeals denying approving the use of a Sovent Plumbing System in the Red Lion Inn is denied for the reasons set forth in the Board of Building Appeals Decision and Order No. 1-89 and quoted above, and the decision of the Board of Building Appeals is hereby affirmed and, further, the City Council of the City of Modesto finds and determines that the approval of the Sovent Plumbing System is exempt from the provisions of the California Environmental Quality Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 89-491

A RESOLUTION PROVIDING FOR THE SALE OF A SURPLUS VEHICLE.

WHEREAS, the City Manger 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 a surplus vehicle which could best be sold on a sealed bid basis, which is described as a 1982 Chevrolet Corvette, blue in color, VIN #1G1AY8785C5119752, California License #2LKU315, and

WHEREAS, said vehicle has become surplus to the City's needs by reason of seizure,

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

SECTION 1. That a 1982 Chevrolet Corvette, blue in color, VIN #1G1AY8785C5119752, California License #2LKU315, is hereby declared surplus property.

SECTION 2. That the City Manager is hereby authorized and directed to sell on a sealed bid basis to the highest bidder, the vehicle which is described above, and which is 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 vehicle cannot be sold on a sealed bid basis as provided for above, said surplus vehicle 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 18th day of April, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-492

A RESOLUTION ACCEPTING THE BIDS OF MO-CAL OFFICE EQUIPMENT AND CALIFORNIA COPY FOR FURNISHING AND INSTALLING TWO COPY MACHINES IN CITY HALL

WHEREAS, Resolution No. 89-389, adopted by the Council of the City of Modesto on March 7, 1989, approved the plans and specifications for the purchase of two replacement copy machines for City Hall, and authorized the calling for bids; and


WHEREAS, the bids received for the two copy machines were opened at 3:00 p.m. on March 28, 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 bids of Mo-Cal Office Equipment and California Copy for the total price of \$20,231, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Mo-Cal Office Equipment and California Copy for the total price of \$20,231, be accepted and the execution of contracts 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 April, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-493

A RESOLUTION APPROVING A REVISED "LETTER OF AGREEMENT" BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION REGARDING AIRPORT EMERGENCY SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revised "Letter of Agreement" between the City of Modesto and the Federal Aviation Administration changing the procedures for alerting the Modesto City-County Airport crash fire rescue equipment be, and it is hereby approved.

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

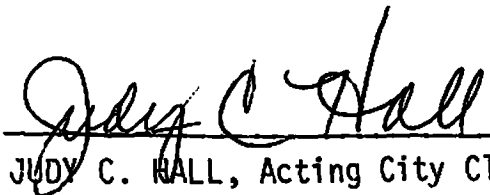
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-494

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED S. PELUCCA FOR LEASE OF PROPERTY AT THE NORTHWEST CORNER OF 10TH AND F STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alfred S. Pelucca for lease of property at the northwest corner of 10th and F Streets for use by the Police Department

be, and it is hereby approved.

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

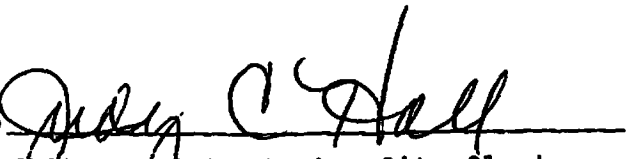
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-495

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PREAPPLICATION FOR A FEDERAL GRANT FOR AN OVERLAY OF THE INSTRUMENT RUNWAY (28R/10L) WITH A ONE-INCH POROUS FRICTION COAT WITH MARKING AND STRIPING AT THE MODESTO CITY-COUNTY 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 for an overlay of the instrument runway (28R/10L) with a one-inch porous friction coat with marking and striping at the Modesto City-County Airport in the amount of \$202,500 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 18th day of April, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-496

A RESOLUTION ACCEPTING IMPROVEMENTS IN EDINBURGH PLAZA SUBDIVISION AND  
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, John Simvoulakis, subdividers of  
Edinburgh Plaza Subdivision have filed Irrevocable Commitment of Funds  
for faithful performance and labor and materials in the amount of \$184,900.00  
and \$92,450.00 respectively to guarantee improvements in Edinburgh Plaza  
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated April 12, 1989,  
indicates that all work required by the subdivision agreement has been completed  
to the satisfaction of the Engineering Department; and

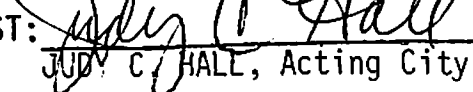
WHEREAS, the Director of Engineering has indicated that it would be in order  
for the City Council to accept the improvements in said subdivision as complete  
and authorize the City Clerk to file notice of completion and release the  
Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Edinburgh Plaza 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 \$184,900.00 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 \$92,450.00 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 18th day of April, 1989, by Council-  
member Lang, who moved its adoption, which motion being duly seconded by  
Councilmember Sutton, was upon roll call carried and the resolution adopted  
by the following vote:

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

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-497

A RESOLUTION ACCEPTING IMPROVEMENTS IN GAINSBORO PLACE SUBDIVISION AND  
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Price Development, Inc. , subdividers of  
Gainsboro Place Subdivision have filed Irrevocable Commitment of Funds  
for faithful performance and labor and materials in the amount of \$ 62,900.00  
and \$ 31,450.00 respectively to guarantee improvements in Gainsboro Place  
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated April 12, 1989,  
indicates that all work required by the subdivision agreement has been completed  
to the satisfaction of the Engineering Department; and

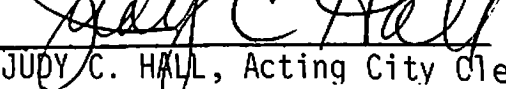
WHEREAS, the Director of Engineering has indicated that it would be in order  
for the City Council to accept the improvements in said subdivision as complete  
and authorize the City Clerk to file notice of completion and release the  
Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Gainsboro Place 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 \$ 62,900.00 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 \$ 31,450.00 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 18th day of April , 1989 , by Council-  
member Lang , who moved its adoption, which motion being duly seconded by  
Councilmember Sutton , was upon roll call carried and the resolution adopted  
by the following vote:

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

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.89-498

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEIDLER-FITZGERALD PUBLIC FINANCE COMPANY TO REPRESENT THE CITY AS FINANCIAL ADVISOR FOR THE PROPOSED \$101,175,000 WASTE-TO-ENERGY BOND REFUNDING

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 Company to represent the City as financial advisor for the proposed \$101,175,000 Waste-to-Energy Bond Refunding be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-499

A RESOLUTION APPOINTING MEMBER OF THE REHABILITATION LOAN POOL SUBCOMMITTEE  
(BILL COVEY)

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

SECTION 1. The following person is hereby appointed to the Rehabilitation  
Loan Pool Subcommittee for the respective term as indicated:

Bill Covey  
3013 Shanandoah Way  
Modesto, Ca. 95355

Term to expire: 6/30/89

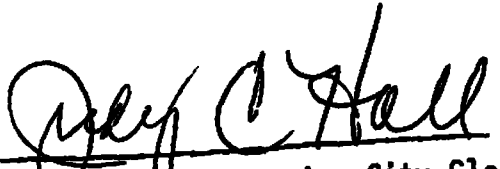
SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member of the Rehabilitation  
Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 18th day of April, 1989,  
by Councilmember Lang, who moved its adoption, which motion being  
duly seconded by Councilmember Sutton, was upon roll call carried and  
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-500

A RESOLUTION TEMPORARILY CLOSING WALNUT WAY AT THE NORTH  
END OF THE APPROVED NUNES FARMS VESTING TENTATIVE  
SUBDIVISION MAP IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 89-469 on April 4, 1989, declaring its intention to temporarily close Walnut Way at the north end of the approved Nunes Farms vesting tentative subdivision map in the City of Modesto, and

WHEREAS, said Walnut Way at the north end of the approved Nunes Farms vesting tentative subdivision map in the City of Modesto to be temporarily closed is more particularly shown on that certain map entitled, "Approved Nunes Farms Tentative Map", 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, and

WHEREAS, said Resolution No. 88-469 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 temporary street closure to be posted conspicuously along Walnut Way from the north end of the future Robertson Road Park to Rouse Avenue 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 25, 1989, at the hour of 7:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which

time and place all persons interested in or objecting to the proposed temporary street closure were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the proposed temporary street closure be made subject to the conditions contained in Planning Commission Resolution No. 88-85, and

WHEREAS, the Council finds and declares that the temporary closure of Walnut Way at the north end of the approved Nunes Farms vesting tentative subdivision map in the City of Modesto is in the public interest, 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 it hereby orders and declares the temporary closure of Walnut Way at the north end of the approved Nunes Farms vesting tentative subdivision map in the City of Modesto, as shown on the map entitled, "Approved Nunes Farms Tentative Map", 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 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 temporary street closure of Walnut Way at the north end of the approved Nunes Farms vesting tentative subdivision map in the City of Modesto, County of Stanislaus, State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of April, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 K. Christensen  
Public Works and Transportation  
Department, Engineering

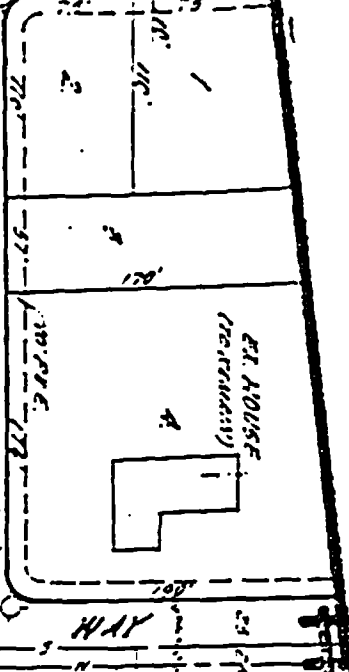
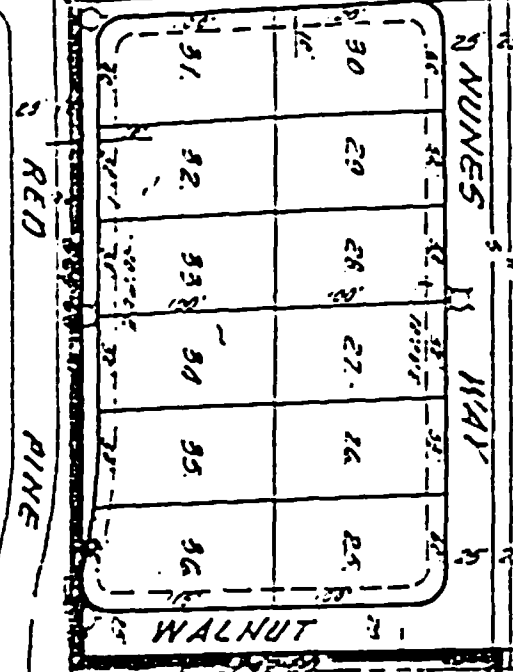
PINE TREE VILLAGE ESTATES  
69 - M - 60

LONE PINE DRIVE

GRIPPER AVENUE

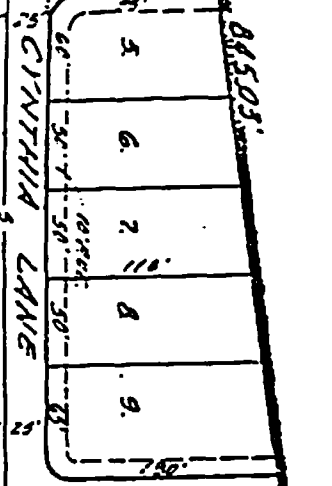
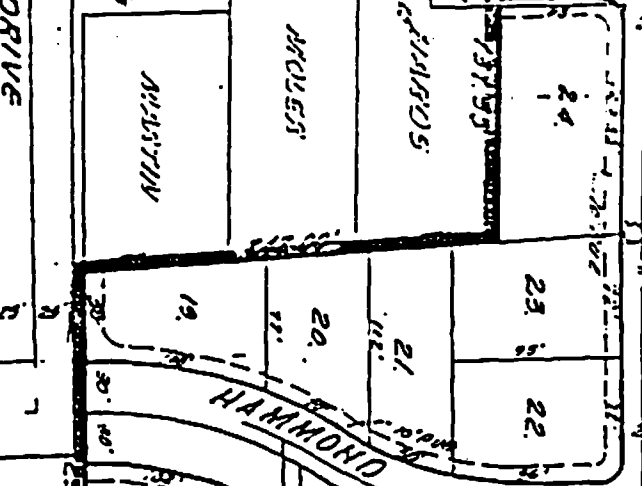
ET G. KOP  
WATER MAIN  
CITY OF ANNESTON

ET G. KOP  
SEWER MAIN  
CITY OF ANNESTON  
WATER MAIN  
CITY OF ANNESTON  
SEWER MAIN  
CITY OF ANNESTON



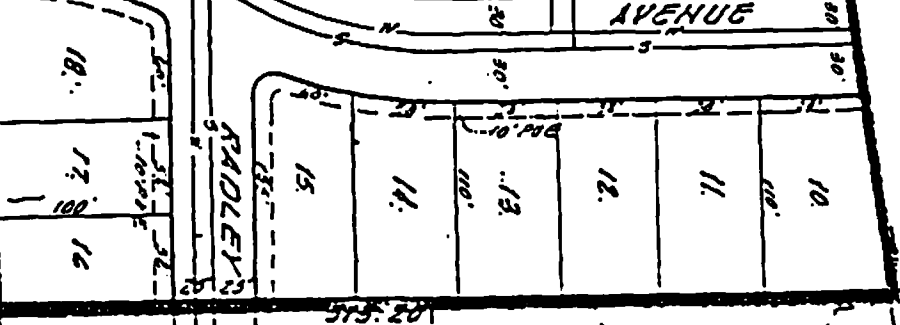
Point of Closure

EX. 4" WATER  
LINE (CEL ESTE  
WATER COMPANY)



HAMMOND AVENUE

STANISLAUS COUNTY  
HOUSING AUTHORITY



VICTOR ESTATES  
69 - M - 63

ET G. KOP  
SEWER MAIN  
CITY OF ANNESTON

Exhibit "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-501

A RESOLUTION REJECTING THE BID RECEIVED FOR FURNISHING ONE NEW PNEUMATIC PRUNING SYSTEM, OPENED IN THE OFFICE OF THE CITY CLERK ON FEBRUARY 28, 1989, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 89-80 adopted by the Council of the City of Modesto on February 7, 1989, approved the plans and specifications for furnishing one new pneumatic pruning system, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of one new pneumatic pruning system were opened at 3:00 p.m. on February 28, 1989; and

WHEREAS, the only bid received did not meet the City's specifications, and upon contacting other potential vendors, they indicated they would respond if given another opportunity.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid received for furnishing one new pneumatic pruning system and opened in the office of the City Clerk on February 28, 1989, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing one new pneumatic pruning system, to be opened at 3:00 p.m. on May 9, 1989, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-502

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL DRY CELL BATTERY REQUIREMENTS

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

SECTION 1. The plans and specifications for furnishing annual dry cell battery requirements

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 16, 1989, at 3:00 p.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 25th day of April, 1989, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-503

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL COMPACTION, AGGREGATE, AND  
CONCRETE TESTING SERVICES

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

SECTION 1. The plans and specifications for furnishing annual compaction,  
aggregate, and concrete testing services

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on May 16, 1989, at 3:05 p.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 25th day of April, 1989,  
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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-504

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF LIQUID CHLORINE

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

SECTION 1. The plans and specifications for furnishing annual requirements of liquid chlorine 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 16, 1989, at 3:10 p.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 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-505

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF STREET NAME  
SIGNS

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

SECTION 1. The plans and specifications for furnishing annual require-  
ments of street name signs  
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 23, 1989, at 3:00 p.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 25th day of April, 1989,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-506

A RESOLUTION ACCEPTING THE BID OF MORROW & WAGGONER, INC. FOR THE RESURFACING OF REVARD PARK BASKETBALL COURT

WHEREAS, Resolution No. 89-436 , adopted by the Council of the City of Modesto on March 28, 1989 , approved the plans and specifications for the resurfacing of Revard Park basketball court

and authorized the calling for bids; and

WHEREAS, the bids received for the resurfacing of Revard Park basketball court

were opened at 11:00 a.m. on April 18, 1989 , 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 Morrow & Waggoner, Inc. in the amount of \$19,800 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Morrow & Waggoner, Inc. in the amount of \$19,800 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 April , 1989 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-507

A RESOLUTION ACCEPTING THE THIRD FIXED FILM REACTOR PROJECT AT THE CITY'S SECONDARY TREATMENT PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Third Fixed Film Reactor Project at the City's Secondary Treatment Plant

has been completed by C.W. Roen Construction in accordance with the contract agreement dated December 8, 1987 .

NOW, THEREFORE, BE IT RESOLVED that the Third Fixed Film Reactor Project at the City's Secondary Treatment Plant

be accepted from said contractor, C.W. Roen Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$1,869,633.17 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 25th day of April, 19<sup>89</sup>, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-508

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND EXTENDING THE AGREEMENT WITH BRANNON TIRE CORP. FOR RECAPPING REQUIREMENTS FOR ONE ADDITIONAL YEAR

WHEREAS, as authorized by Resolution No. 88-132 on February 16, 1988, Brannon Tire Corp. was awarded the City recapping requirement for one year; and

WHEREAS, they have continued to provide excellent service to the City with high quality material and outstanding response time; and

WHEREAS, due to the complexity of this requirement and the need by the City for this uninterrupted service, it is the staff's recommendation to continue with this vendor for one additional year at the 1988-89 prices.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for annual tire recapping requirements is hereby waived.

BE IT FURTHER RESOLVED that the agreement with Brannon Tire Corp. for annual recapping requirements is hereby extended for one additional year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-509

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE REPAIR OF A  
DAMAGED POLICE VAN BY LOVELADY'S BODY AND PAINT SHOP

WHEREAS, the Public Works Department, Service Division, is requesting  
the repair of a damaged Police van; and

WHEREAS, because of the cost and difficulty of moving the van from vendor  
to vendor for estimates and because of the competent quality of past work  
performed by Lovelady,s it is the recommendation of staff that Council waive  
formal bid procedure and authorize the repair.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that  
formal bid procedure for the repair of a damaged Police van is hereby waived.

BE IT FURTHER RESOLVED that the repair of a damaged Police van by Love-  
lady's Body and Paint Shop for the total price of \$9,066.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 25th day of April, 1989, by Council-  
member 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-510

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 (40) 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 1988 alone, the Police Reserves served a total of Twelve Thousand One Hundred Eighty-eight (12,188) hours of time for the Modesto Police Department,

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 1988, 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 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-511

A RESOLUTION AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING AN AGREEMENT TO FUND \$20,000 OF THE OPERATIONAL COSTS OF THE ESTABLISHMENT OF HALFWAY HOUSES FOR SUBSTANCE ABUSERS FOR STANISLAUS RESIDENTIAL SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Final Statement of Community Development Objectives by approving an agreement to fund \$20,000 of the operational costs of the establishment of halfway houses for substance abusers for Stanislaus Residential 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 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-512

A RESOLUTION AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO FUND THE STANISLAUS STATE UNIVERSITY FOUNDATION/MODESTO COMMUNITY BRIDGE PROJECT IN THE AMOUNT OF \$16,980 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Final Statement of Community Development Objectives to fund the Stanislaus State University Foundation/Modesto Community Bridge Project in the amount of \$16,980 from the Community Development Block Grant funds be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Irizarry

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-513

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE NARAGHI LAKES COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S) TO ALLOW THE REMOVAL OF NARAGHI LAKES UNITS 5, 6, 7 AND 8 SUBDIVISIONS FROM THE NARAGHI LAKES ASSOCIATION.

WHEREAS, vesting tentative maps of Naraghi Lakes Nos. 7 and 8 and final maps of Naraghi Lakes Nos. 5 and 6, designed to accommodate single-family dwellings under the R-1 zone, are all currently subject to the Naraghi Lakes Association under the Master Declaration of Covenants, Conditions, and Restrictions, and

WHEREAS, the Naraghi Lakes Units 1, 2, 3, and 4, also containing single-family dwellings, have been released from the Naraghi Lakes Association which includes participation in the costs of maintenance of the lake and the private parks not yet developed, and

WHEREAS, a letter dated January 13, 1989, was received by the City of Modesto Planning and Community Development Department from Mid-Valley Engineering on behalf of the owners of the Naraghi Lakes development, requesting City approval to remove Naraghi Lakes Units 7 and 8, currently vesting tentative maps, from the Naraghi Lakes Association, and

WHEREAS, a second letter dated January 27, 1989, was received by the City of Modesto Planning and Community Development Department relating to also requesting City approval to remove Naraghi Lakes Units 5 and 6 from the Naraghi Lakes Association, and

WHEREAS, a public hearing was held by the Planning Commission on March 20, 1989, in the City Council Chambers at City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and.

WHEREAS, the Planning Commission found and determined that removal of Naraghi Lakes Units Nos. 5, 6, 7, and 8 from the Naraghi Lakes Association is required for the reasons set forth in Planning Commission Resolution No. 89-41 adopted on March 20, 1989, and

WHEREAS, by said Resolution No. 89-41 the Planning Commission recommended to the City Council that authorization be granted to amend the Naraghi Lakes Covenants, Conditions and Restrictions (CC&R'S) to allow the removal of Naraghi Lakes Units 5, 6, 7 and 8 Subdivisions from the Naraghi Lakes Association thereby relieving said Units 5, 6, 7 and 8 from lake and private park maintenance costs, and

WHEREAS, said matter was set to be considered by the City Council at its meeting of April 25, 1989, in the City Council Chambers at City Hall, 801 11th Street, Modesto, California, and

WHEREAS, the Council found and determined that authorization should be granted to amend the Naraghi Lakes Covenants, Conditions and Restrictions (CC&R'S) to allow the removal of Naraghi Lakes Units 5, 6, 7 and 8 Subdivisions from the Naraghi Lakes Association thereby relieving said Units 5, 6, 7 and 8 from lake and private park maintenance costs, for the following reasons:

1. Removing the single-family portions of the Naraghi Lakes development which are located west of Hashem Drive from the Naraghi Lakes Association will relieve these properties from assessments for costs of maintenance of the lake and private parks, a status already enjoyed by other adjoining Naraghi Lakes units, and will create a more equitable situation for similar properties in the same overall development.
2. There remains ample land base from which assessment income can be achieved to cover the costs of lake and park maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it grants authorization to amend the Naraghi Lakes Covenants, Conditions and Restrictions (CC&R'S) to allow the removal of Naraghi Lakes Units 5, 6, 7 and 8 Subdivisions from the Naraghi Lakes Association thereby relieving said Units 5, 6, 7 and 8 from lake and private park maintenance costs, for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-514

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND S.KEITH EVANS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 205 GLACIER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and S. Keith Evans for sewer service to property outside City limits at 205 Glacier Avenue, located on the north side of Glacier Avenue between Crystal Avenue between Crystal Avenue and Cascade 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 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-515

A RESOLUTION VACATING AND ABANDONING THE 60-FOOT WIDE PUBLIC UTILITIES EASEMENT IN BLOCK 6428 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 6428 in the City of Modesto, described in Exhibit "A" attached hereto, which is the 60-foot wide public utilities easement in Block 6428 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 the 60-foot wide public utilities easement in Block 6428 in the City of Modesto, is no longer necessary for public utility 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, the 60-foot wide public utilities 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 60-foot wide public utilities easement located in Block 6428 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 25th day of April, 1988, 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, McGrath, Muratore, Patterson, Sutton, 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. Christiansen  
Public Works and Transportation  
Department Engineering  
Services Division

LD 86-J  
Parcel 6428-2

VACATE AND ABANDON THE 60-FOOT PUBLIC UTILITIES  
EASEMENT IN BLOCK 6428

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwestern corner of Parcel 1, as per map filed in Book 1 of Parcel Maps, Page 119, Stanislaus County Records; thence along the Western line of said Parcel 1, South  $0^{\circ} 14' 10''$  East, 160.69 feet, to the true point of beginning of this description; thence South  $89^{\circ} 21' 30''$  West, 167.76 feet, to a tangent curve; thence Northwesterly along said tangent curve concave to the Northeast, having a Radius of 265.00 feet, a Central Angle of  $58^{\circ} 17' 02''$  and an Arc Length of 269.57 feet, to a point on an existing 35-foot wide public utility easement from which point a radial line bears North  $57^{\circ} 38' 32''$  East; thence along said Southern line of the 35.00 foot public utility easement, South  $89^{\circ} 21' 30''$  West, 14.44 feet, to its intersection with a non-tangent curve from which point a radial line bears North  $41^{\circ} 14' 34''$  West; thence Southwesterly along said non-tangent curve concave to the Northwest, having a Radius of 270.00 feet, a Central Angle of  $40^{\circ} 36' 04''$  and an Arc Length of 191.33 feet; thence along a tangent line, South  $89^{\circ} 21' 30''$  West, 680.97 feet, to the Western line of 72.00 foot Conant Avenue; thence along said Western line of Conant Avenue, South  $0^{\circ} 17' 40''$  East, 60.00 feet; thence North  $89^{\circ} 21' 30''$  East, 681.33 feet; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 330.00 feet, a Central Angle of  $29^{\circ} 26' 56''$  and an Arc Length of 169.61 feet, to a point of reverse curve from which point a radial line bears North  $30^{\circ} 05' 26''$  West; thence Easterly along said reverse curve concave to the South, having a Radius of 15.00 feet, a Central Angle of  $75^{\circ} 47' 14''$  and an Arc Length of 19.84 feet, to a point of reverse curve from which point a radial line bears North  $45^{\circ} 41' 48''$  East; thence Southeasterly along said last mentioned reverse curve concave to the Northeast, having a Radius of 325.00 feet, a Central angle of  $46^{\circ} 20' 18''$  and an Arc Length of 262.85 feet; thence along a tangent line, North  $89^{\circ} 21' 30''$  East, 167.33 feet, to a point on said Western line of Parcel 1; thence along the Western line of Parcel 1, North  $0^{\circ} 14' 10''$  West, 60.00 feet, to the point of beginning.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-516

A RESOLUTION APPROVING THE REQUEST OF JENNY CRAIG WEIGHT LOSS CENTER FOR REFUND OF \$1,702.64 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 \$1,702.64 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 25th day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-517

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following existing classifications:

Fire Captain

Fire Engineer

The revised specifications for the classifications amended, as shown on the attached Exhibits "A" and "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. EFFECTIVE DATE. This resolution shall become effective on and after April 25, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of April, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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

## FIRE CAPTAIN

### DEFINITION

To supervise and oversee a fire company including activities involving fire suppression, emergency medical services, fire prevention and inspection, and administration; and to provide staff assistance to assigned higher level management staff.

### SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

May exercise direct and indirect supervision over sworn and clerical staff.

### EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Write, recommend and assist in the implementation of goals and objectives; establish schedules and methods for assigned shift; implement policies and procedures.

Plan and execute work assignments of fire personnel in an assigned company.

Direct firefighting operations until relieved by a superior officer; respond to fire alarms as an incident commander, assuming responsibility for the supervision, performance and safety of assigned firefighting personnel on the scene of an emergency incident.

Serve as a first responder to emergency medical incidents, analyzing and taking command of patient care with full responsibility for the patient(s) until relieved by proper medical personnel.

Coordinate and participate in the preparation and administration of the Department's budget and purchasing activities; manage the Department's inventory control system; prepare correspondence and reports related to administrative operations.

May act as Fire Marshal; coordinate activities including inspections, public education, and juvenile counseling.

Supervise and assist in rendering first aid at an emergency incident.

Direct and participate in the cleaning of quarters, equipment and apparatus at a fire station.

Perform a wide variety of general staff work as assigned.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for needed equipment; monitor and control expenditures; prepare bid specifications for required equipment, supplies and materials.

## EXAMPLES OF DUTIES

Assist in coordinating the maintenance and repair of fire suppression equipment and facilities such as hydrants, trucks and support equipment; ensure proper maintenance of station facilities; maintain station supplies.

Obtain and otherwise preserve evidence at a fire scene.

Participate in monitoring employee performance objectives; prepare employee performance reviews; provide assistance to personnel under stress due to incidents; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Identify the fire training needs of company personnel including such areas as driving and operating equipment; ensure that necessary training is provided.

Prepare reports, forms, recommendations and other required administrative procedures of the company.

Assist other management staff in maintaining and improving upon the operation of the Department.

May perform emergency medical duties as required; administer advanced life support procedures to persons suffering medical emergencies; check and maintain medical equipment.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles, practices and procedures of modern firefighting.

Rules, regulations and operational procedures of the Fire Department in modern firefighting activities.

Principles and practices of supervision and training.

Local geography, including the location of water mains and hydrants and the major fire hazards of the City.

Modern office practices, procedures, methods and computer equipment.

### Ability to:

Conduct preliminary fact-finding inspections and investigations, including evidence gathering.

Operate apparatus and equipment used in modern firefighting activities.

Prepare and recommend assigned budget.

Ability to:

- Supervise, train and evaluate assigned staff.
- Instruct and lead fire training sessions and courses.
- Perform heavy lifting and physical maneuvering.
- 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 Requirements

Experience:

Four years of sworn municipal fire suppression and prevention experience with the City of Modesto, including one year as an Engineer; or six years as a Firefighter with the City of Modesto.

Training:

High School graduation or equivalent G.E.D. certificate. College level course work in fire science, fire administration or a related field is desirable.

License or Certificate

- Possession of an appropriate, valid California driver's license.
- Possession of a current Forty Hour First Responder (or higher level) Certificate.
- Possession of, or ability to obtain, an appropriate C.P.R. Certificate.

DEFINITION

To operate and maintain a variety of fire apparatus and firefighting equipment; to participate in firefighting activities, fire prevention inspections, and training; to perform mechanical maintenance on vehicles, equipment, and apparatus; and to perform and provide emergency medical services.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercises supervision over sworn staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Drive fire-pumping and aerial lift apparatus to alarms and operate pump at the fire; regulate water pressure through hose lines.

Operate and oversee the use of numerous types of vehicles, equipment, tools, and apparatus including Bush truck, Rescue truck and river boats.

Inspect vehicles, equipment, and apparatus including aerial lift and pumping equipment; perform maintenance and minor repair work; identify and assist in major repair and maintenance; maintain records of maintenance and overhauls.

Respond to emergency medical incidents, and care for patients until relieved by proper medical personnel.

When assigned to the Fire Preventions Bureau, provide various services including fire inspection, plan checking and fire investigation.

Participate in the Fire Prevention Program providing various public relation services including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Perform the duties of a Fire Fighter when pump is not being used at a fire.

Maintain an awareness of City layout and the water system.

Perform first aid at the Forty Hour First Responder or Emergency Medical Technician level.

Instruct and participate in drills and other training activities.

Participate in station maintenance work.

Operate radio equipment.

Act as Firefighter or Fire Captain, as required.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles, practices, and procedures of modern firefighting and firefighting vehicles, equipment and apparatus.

Purposes and uses of a variety of vehicles, equipment, tools, and apparatus used in firefighting, rescue, and medical assistance operations.

Principles of mechanics, hydraulics, and mathematics as related to Fire Engineer duties.

First aid, C.P.R., and other basic medical assistance techniques.

### Ability to:

Effectively and safely drive and operate the full range of fire apparatus and equipment used by the department. Perform field calculations of hydraulics for the proper and effective operations of equipment at emergency scenes.

Learn emergency medical techniques to Department standards.

Demonstrate physical endurance, agility, strength, and stamina in the performance of hazardous tasks under emergency conditions; think and act quickly in emergencies.

Understand and follow oral and written directions promptly and accurately.

Provide lead supervision over fire suppression personnel, when assigned.

Establish and maintain cooperative relationships with those contacted in the course of work.

### Experience and Training Requirements

#### Experience:

Three years in the classification of Firefighter with the City of Modesto.

#### Training:

High School graduation or equivalent G.E.D. certificate. Additional specialized training in fire science or a related field is desirable.

### License or Certificate

Possession of a valid Class B California driver's license.

Possession of a current Forty Hour First Responder (or higher level) certificate.

Possession of, or ability to obtain, an appropriate, valid C.P.R. Certificate.

Completion of operational certification on designated firefighting apparatus.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-518

A RESOLUTION ORDERING THE CALIFORNIA-MARSHALL  
REORGANIZATION TO THE CITY OF MODESTO (UNINHABITED).

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated March 22, 1989, approved the proposed California-Marshall Reorganization to the City of Modesto upon the condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the California-Marshall Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by said resolution found that the territory included in the proposed California-Marshall 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 annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on March 22, 1989, ordered that a Negative Declaration with mitigation measures 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 allow the property to be developed in a manner consistent with the General Plan and to allow development of a single-family subdivision

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 2nd day of May, 1989, 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 May 2, 1989, 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 upon all protests made to the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land within the affected territory prior to said hearing, and

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 as amended have been complied with.

2. That the area or territory designated as the California-Marshall 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 with 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 2nd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 A. Christiansen  
Public Works and Transportation  
Department - Engineering Division

CALIFORNIA - MARSHALL  
- REORGANIZATION  
TO THE CITY OF MODESTO  
DESCRIPTION

All that portion of the East half of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, California, described as follows:

Beginning at the intersection of the North line of California Avenue with the centerline of Briggs Ditch; thence South  $0^{\circ}36'14''$  West, 684.97 feet to a point 289.00 feet northerly of the South line of Lot 2 of RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO as shown in Volume 2 of Maps at Page 1, Stanislaus County Records; thence North  $89^{\circ}35'00''$  West parallel to the South line of said Lot 2, 287.36 feet to a point on the West line of said Lot 2; thence North  $0^{\circ}17'24''$  West, 177.92 feet to the Northwest corner of said Lot 2; thence North  $89^{\circ}36'02''$  West along the South line of Lot 13 of said RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, 20.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 276.92 feet; thence North  $89^{\circ}37'03''$  West parallel to the North line of said Lot 13, 95.00 feet; thence North  $0^{\circ}17'24''$  West parallel to the East line of said Lot 13, 190.00 feet to the North line of said Lot 13 also being the South line of said California Avenue; thence North  $89^{\circ}37'03''$  West along the South line of said California Avenue, 252.31 feet to the southerly extension of the centerline of Spencer Avenue; thence North  $0^{\circ}22'57''$  East along said southerly extension and the centerline of said Spencer Avenue, 60.00 feet to the westerly extension of the North line of said California Avenue; thence South  $89^{\circ}37'03''$  East along said westerly extension and the North line of said California Avenue, 416.74 feet to the West line of Marshall Avenue; thence North  $0^{\circ}36'57''$  East along the West line of said Marshall Avenue, 25.29 feet; thence South  $89^{\circ}23'03''$  East, 55.00 feet to a point on the East line of said Marshall Avenue and the beginning of a non-tangent curve from which a radial line bears South  $89^{\circ}23'03''$  East; thence southeasterly along said non-tangent curve, concave to the northeast, having a radius of 15.00 feet, through a central angle of  $90^{\circ}14'00''$  an arc distance of 23.62 feet to a point on the North line of said California Avenue; thence South  $89^{\circ}37'03''$  East along the North line of said California Avenue, 152.95 feet to a point on the West line of said

Approved as to description

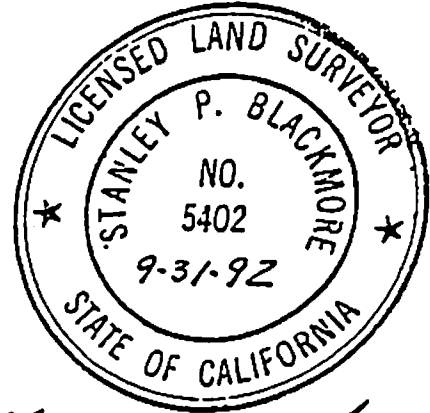
1.

ON 4-3-89  
BY R. J. Miller

EXHIBIT "A"

Briggs Ditch right-of-way; thence South  $0^{\circ}36'27''$  West along the West line of said Briggs Ditch right-of-way, 30.00 feet to a point on the North line of said California Avenue; thence South  $89^{\circ}37'03''$  East along the North line of said California Avenue, 25.21 feet to the point of beginning.

Containing 5.93 acres, more or less.



*Stanley P. Blackmore*

Dated: 3/30/80  
Job No. 7216

2.

Approved as to description  
ON 4 3-89  
BY [Signature]

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-519

A RESOLUTION GRANTING AN APPEAL TO THE DECISION OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE WHICH REQUIRED AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PLANNED DEVELOPMENT, P-D, PROJECT TO ALLOW A MIXED RETAIL COMMERCIAL DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF SYLVAN AVENUE AND OAKDALE ROAD, AND REMANDING THE MATTER TO THE ENVIRONMENTAL ASSESSMENT COMMITTEE FOR THE ISSUANCE OF A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.  
(LORAN CORPORATION)

WHEREAS, on April 12, 1989, the City of Modesto's Environmental Assessment Committee reviewed the Loran Corporation's proposed project relating to an application to rezone from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D, for a community retail center ("the project"), which is a proposed project to be located at the northwest corner of Sylvan Avenue and Oakdale Road consisting of a portion of a 9.2 acre parcel of land in the City of Modesto, and

WHEREAS, the City of Modesto's Environmental Assessment Committee found that an Environmental Impact Report was required because the project may have a significant effect on the environment in the area of traffic impacts due to the generation of substantial vehicular movement, substantial impact on the existing transportation system, and impacts which are individually limited, but cumulatively considerable, 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 April 14, 1989, by Mid-Valley Engineering on behalf of the Loran Corporation, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 2, 1989, at 4:00 p.m., and

WHEREAS, after said public hearing held on May 2, 1989, at 4:00 p.m., the Council has found and determined that all potential significant traffic impacts will be mitigated by installation of 300-foot medians on the north, south, and west legs of the Sylvan/Oakdale intersection, restriping and the installation of signal loops and other traffic signal alterations at the intersection as described in the project Traffic Impact Study dated March 1989 and its addenda and prepared by DKS Associates, and that it is not necessary for applicant to alter the proposed curb cuts shown on his application as presented in the Traffic Study as a mitigation measure because there are special circumstances applicable to the property in question such that strict application of the City's driveway approach criteria would result in adverse interval circulation conditions, and

WHEREAS, the off-site traffic mitigation measures described herein are to be set forth on an improvement plan to be prepared by the developer for approval by the Director of Public Works and Transportation, and

WHEREAS, it is further determined that mitigation of the significant traffic impacts requires the developer to bear the full responsibility for installing or providing all the traffic mitigation measures set forth on the approved improvement plan as required above prior to issuance of a Certificate of Occupancy, and

WHEREAS, on the basis of these mitigation measures it is determined that the appeal should be granted and the matter should be remanded to the

Environmental Assessment Committee to issue a negative declaration with the mitigation measures described herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the findings and determinations set forth above, it does hereby grant the appeal of Mid-Valley Engineering on behalf of the Loran Corporation, to the decision of the City of Modesto's Environmental Assessment Committee requiring an Environmental Impact Report for said project and that the matter is hereby remanded to the Environmental Committee to issue a negative declaration with the mitigation measures described above.

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 2nd day of May, 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: Irizarry, Lang, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: McGrath, 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. 89-520

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(464). (LYON/REDEV.)

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Lyon/Redev. on March 9, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a two- and three-story residential condominium project, property located on the south side of Standiford Avenue and west of Prescott Road, described as follows:

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

Parcel "B", as shown on the official map recorded in Book 36 of Maps, at Page 54, Stanislaus County Records.

Including also the northern 55.00 feet of the 110.00-foot wide Hetch Hetchy right-of-way and the southern 50.00 feet of 100.00-foot wide Standiford Avenue and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on April 3, 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. 89-48, that rezoning of the property as requested 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.

2. That the proposed R-3 density is appropriate at this location because of existing surrounding land uses and that this project has access to only a major street.

and

WHEREAS, after a public hearing held on May 2, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Lyon/Redev. 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. 89-48 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2665 -C.S. on the 2 day of May, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(464).

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(464), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Manchester Court" as amended in red, stamped approved by the Planning Commission on April 3, 1989.
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 portion of the west property line adjacent to the northerly 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. Six-foot wood fence with decorative masonry pilasters along the south property line. A bicycle and pedestrian access shall be provided to the Hetch Hetchy right-of-way to allow access to a future bicycle trail. A security gate may be provided at this accessway.
  - b. Six-foot decorative masonry wall along Standiford Avenue except between the two curb cuts, subject to clear vision requirements of Section 10-2.2314 of the Modesto Municipal Code.
  - c. Double-sided wood, stucco, or masonry wall or fence adjacent to the end of the northerly parking area along the west property line. The height shall match the existing fence.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
  5. The Standiford 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, 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 including a blanket easement over the common area as required by the utility companies and the Public Works and Transportation Director.
  9. 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.
  10. On-site drainage shall be stored and disposed of on-site or provision may be made to dispose of storm water in M.I.D. Lateral No. 7.
  11. 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.

12. 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.
13. 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.
14. All signs shall comply with the sign requirements of the R-3 Zone.
15. Prior to the issuance of a building permit for any structure, 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 Homeowner Association to guarantee common facility and private property maintenance in accordance with the approved plans.
17. 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(464):

The entire construction program be accomplished in one phase, construction to begin on or before April 3, 1991, and completion to be not later than April 3, 1992.

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(464), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Georg C. Oren  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-521

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 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(464). (LYON/REDEV.)

WHEREAS, on May 2, 1989, the City Council introduced Ordinance No. 2666 -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(464), property located on the south side of Standiford Avenue and west of Prescott 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 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 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(464), property located on the south side of Standiford Avenue and west of Prescott Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-522

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF READY-MIXED  
CONCRETE

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

SECTION 1. The plans and specifications for furnishing annual require-  
ments of ready-mixed concrete

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on May 23, 1989, at 3:10 p.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 2nd day of May, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember McGrath, was upon roll call  
carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-523

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF ROCK, SAND, AND GRAVEL  
PRODUCTS

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

SECTION 1. The plans and specifications for furnishing the City's annual requirements of rock, sand, and gravel products 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 23, 1989, at 3:15 p.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 2nd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-524

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF SWIMMING POOL  
CHLORINE AND MURIATIC ACID

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

SECTION 1. The plans and specifications for the annual requirements of  
swimming pool chlorine and muriatic acid

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 23, 1989, at 3:20 p.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 2nd day of May, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember McGrath, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-525

A RESOLUTION ACCEPTING THE BID OF EASTMAN, INC. FOR FURNISHING A PANEL WALL SYSTEM AND DESKS FOR THE POLICE DEPARTMENT

WHEREAS, Resolution No. 89-404 , adopted by the Council of the City of Modesto on March 21, 1989 , approved the plans and specifications for the purchase of a panel wall system and desks for the Police Department

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of a panel wall system and desks for the Police Department

were opened at 3:00 p.m. on April 11, 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 Eastman, Inc. in the amount of \$11,649 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Eastman, Inc. in the amount of \$11,649 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 May , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-526

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CONSTRUCTION OF MILDRED PERKINS NEIGHBORHOOD PARK

WHEREAS, Resolution No. 89-455 , adopted by the Council of the City of Modesto on April 4, 1989 , approved the plans and specifications for the construction of Mildred Perkins Neighborhood Park

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of Mildred Perkins Neighborhood Park

were opened at 11:00 a.m. on April 25, 1989 , 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 George Reed, Inc. in the amount of \$268,888 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$268,888 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 May , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-527

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO MODESTO SAND AND GRAVEL TO DEMOLISH A HOUSE AND OUTBUILDINGS AND REMOVE DEBRIS FROM 1355 LEGION PARK DRIVE

WHEREAS, the City of Modesto has regained possession of the former Carpenter residence located at 1355 Legion Park Drive in Modesto; and

WHEREAS, the property is in extremely deteriorated condition and poses serious health, safety, and risk concerns to the public and the City; and

WHEREAS, Modesto Sand and Gravel is the only local source for the demolition work that is necessary on this property.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the demolition and cleanup work of the buildings at 1355 Legion Park Drive is hereby waived.

BE IT FURTHER RESOLVED that demolition of house and outbuildings and removing of debris from 1355 Legion Park Drive by Modesto Sand and Gravel for a total price of \$15,000, 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 May, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-528

A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM, AUTHORIZING THE MAYOR TO SIGN THE DBE POLICY STATEMENT, AND ADOPTING A GOAL OF 13% DBE PARTICIPATION FOR 1988-89 AND 1989-90

WHEREAS, the Urban Mass Transportation Administration (UMTA) is requiring that its grantees revise their Disadvantaged Business Enterprise Programs to meet revised guidelines in accordance with Federal Regulations 49, Part 23, Section 23.45 and other related sections; and

WHEREAS, part of the DBE Program involves establishing an annual goal for DBE participation in contract awards and the UMTA Civil Rights Officer has indicated that an appropriate goal for Modesto is 13%; and

WHEREAS, the Council deems it desirable to adopt the Disadvantaged Business Enterprise Program to increase disadvantaged business utilization in all program activity or facility funded wholly or in part by any U.S. Department of Transportation modal element.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Disadvantaged Business Enterprise Program - Transit", a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the City of Modesto does hereby adopt a goal of 13% for DBE participation in contract awards for 1988-89 and 1989-90, and authorizes the Mayor to sign the Policy Statement included therein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM  
CITY OF MODESTO

I. Policy Statement

It is the policy of the City of Modesto to utilize Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 23 in all aspects of contracting to the maximum extent feasible. This policy is fully described herein which constitutes policy and commitment to substantially increase Disadvantaged Business utilization in all program activity or facility funded wholly or in part by any U.S. Department of Transportation modal element.

If any provision, or any portion thereof, contained in this policy is held unconstitutional, invalid, or unenforceable, the remainder of this policy, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

This Agency, its contractors and subcontractors, which are the recipients of Federal-aid funds, agree to ensure DBE firms have the maximum opportunity to participate in the performance of contracts and subcontracts. In this regard, this agency and all of its contractors and subcontractors will take all reasonable steps in accordance with 49 CFR 23 to ensure that DBE firms have the maximum opportunity to compete for and perform contracts.

---

CAROL G. WHITESIDE, Mayor



# City Council Policy

EFFECTIVE DATE  
May 2, 1989

POLICY NO.  
1.023

**CITY of MODESTO**

CITY DEPARTMENT  
Public Works & Transportation

**Subject** Disadvantaged Business Enterprise Program - Transit

Purpose:

To provide a Disadvantaged Business Enterprise Program in accordance with Federal Regulations 49, Part 23, Section 23.45 and other related sections; to increase disadvantaged business utilization in all program activity or facility funded wholly or in part by any U.S. Department of Transportation modal element.

Background:

The Urban Mass Transportation Administration (UMTA) is requiring that its grantees revise their Disadvantaged Business Enterprise (DBE) Programs to meet revised guidelines. The following policy was approved by UMTA, the Purchasing Officer, and the City Attorney.

Policy:

**II. Definition of Disadvantaged Business Enterprise**

"Disadvantaged business" means a small business concern: (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"Small business concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto, except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of \$14 million over the previous three fiscal years. In addition, firms are subject to applicable lower limits on business size established by the Small Business Administration in 13 CFR Part 121.

**LEGISLATIVE HISTORY**

Res. 89- , May 2, 1989

"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. Recipients shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. Recipients also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged.

- A. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- B. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- C. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- D. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and
- E. "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

### III. Disadvantaged Business Enterprise (DBE) Liaison Officer

The Transit Manager is the DBE Liaison Officer for the City with respect to transit procurements. The Transit Manager, with assistance from the Purchasing Officer, will implement the provision of 49 CFR Part 23 and such other DBE programs as may be required.

### IV. Duties of the DBE Liaison Officer

The DBE Liaison Officer and the Purchasing Officer shall develop, manage and implement the DBE Program on a day-to-day basis. They shall:

- Develop and carry out technical assistance programs for DBEs.
- Arrange solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules, so as to facilitate the participation of DBEs. Where such changes are found necessary to increase DBE utilization, they will be made in consultation and cooperation with the functional unit involved.
- Provide guidance to DBEs in overcoming barriers, such as inability to obtain bonding or financing.

- Carry out information and communication programs on contracting opportunities in a timely manner. Programs shall be bilingual where appropriate.
- Investigate the services offered by banks owned and controlled by Disadvantaged Business Enterprises.
- Compile a directory of DBEs which may include directories compiled by other agencies. Said listing is to be made available to all project bidders. Such listing will include the following information: name, address, telephone number, ethnic and/or sexual ownership, type of work performed by firm.
- Prior to approval of the substitution of any DBE subcontractor, the prime contractors will be required to prove performance of good faith efforts to replace the DBE with another eligible DBE.
- Establish a DBE overall annual goal. The goal shall be evaluated annually and adjusted as necessary.
- Establish appropriate individual project DBE goal for each Federal-aid project advertised.
- Perform good faith analysis when project goals are not achieved.
- Maintain such documentation as is necessary to verify performance of all activities included in this program.

#### V. Establishment of Goals

- A. DBE goals will be established both annually (overall) and on a per contract basis. The overall goal will be based on planned procurement activity for the coming year. The overall goal established will be subject to methodology and procedures established in 49 CFR 23, Subparts (C) and (D) and take effect on July 1 of each year.
- B. Goals will apply to all procurements, including professional services and the purchase of services, supplies and equipment as well as for construction contracts.

C. Individual project goals will be established for DBE activity based on the following criteria:

- Attainment of established overall goals.
- Size of project.
- Opportunities for DBEs as subcontractors, vendors, and suppliers.
- Minority population of geographic area in which work is to be performed.
- DBE goals being utilized in the geographic area by other State, Federal or local jurisdictions.
- Availability of certified DBEs.
- Past experience on projects similar to the project being evaluated.
- Such other factors as may affect the utilization of DBEs.

Complete evaluation documentation will be retained for each project.

D. All contracts will contain the following provisions:

1. "Policy. It is the policy of the City of Modesto that disadvantaged business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. The DBE requirements of 49 CFR Part 23 apply to this agreement."
2. "DBE\_Obligation. (1) The recipient or its contractor agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts."

E. A transit vehicle manufacturer (TVM) certificate is to be submitted by all TVM bidders. The certificate form shall comply with the requirements of the Urban Mass Transportation Administration.

## VI. Contract Procedure

This program shall be implemented through the utilization of a contract special provision which is attached hereto. These procedures require bidders to submit the names of DBE subcontractors and suppliers, a description of the work each is to perform or material to be furnished, and the dollar value of each DBE subactivity.

## VII. DBE Notification

Projects will be advertised in local newspapers and minority focus newspapers when possible. These ads will include reference to DBE requirements and will indicate DBE project goals.

DBE supportive service assistance centers will receive notification of projects scheduled to be advertised. Such Centers will be afforded the opportunity to receive complimentary plans and specifications for projects within their geographical area of responsibility.

## VIII. Selection Criteria for Projects with DBE Goals

Every project containing DBE goals shall be evaluated by the DBE Liaison Officer, or his designee, to ascertain bidding contractors' efforts to attain the DBE goals. The award of any project must be concurred with by the DBE Liaison Officer, or his designee, before said contract may be awarded. Should there be disagreement between functional units concerning contractors' efforts to attain contract goals for DBE participation, the matter shall be referred to the DBE Liaison Officer, or his designee, for final determination.

Competitors that fail to meet the DBE goals and fail to demonstrate sufficient reasonable good faith efforts shall be declared nonresponsive and ineligible for award of the contract. A description of good faith efforts is attached.

All contracts that contain DBE goals, pursuant to this policy, will be monitored on an ongoing basis by project personnel during the course of construction. The DBE Liaison Officer is to be immediately advised of any circumstances wherein contractor compliance with the DBE provision is questionable. The contractor shall submit a final report for each project which includes total payments to the prime contractor as well as payments the prime contractor has made to DBE subcontractors, vendors and suppliers. If the report indicates the prime contractor has not achieved the project goals, project personnel shall attach an evaluation, in narrative form, of the reasons for failure to attain the goals and any corrective action that was taken.

Prime contractors will be required to notify the Agency of any situation in which regularly scheduled progress payments are not made to DBE subcontractors, vendors or suppliers.

## IX. Counting DBE Participants

This Agency, its contractors, and subcontractors shall count DBE participation as follows:

- A. Once a firm is determined to be an eligible DBE in accordance with this program, the total dollar value of the contract awarded to the DBE is counted toward the applicable DBE goals.
- B. A recipient or contractor may count toward its DBE goals a portion of the total dollar value of a contract with a joint venture eligible under the standards of 49 CFR Part 23 equal to the percentage of the ownership and controls of the DBE partner in the joint venture.
- C.
  1. A recipient or contractor may count toward its DBE goals only expenditures to DBEs that perform a commercially useful function in the work of a contract. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, the recipient or contractor shall evaluate the amount of work subcontracted, industry practices, and other relevant factors.
  2. Consistent with normal industry practices, a DBE may enter into subcontracts. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE shall be presumed not to be performing a commercially useful function. The DBE may present evidence to rebut this presumption to the recipient.
- D.
  1. A recipient or contractor may count toward its DBE goals 60 percent of its expenditures for materials and supplies required under a contract and obtained from a DBE regular dealer, and 100 percent of such expenditures to a DBE manufacturer.
  2. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the recipient or contractor.
  3. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates

distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

- E. A recipient or contractor may count toward its DBE goals the following expenditures to DBE firms that are not manufacturers or regular dealers:
1. The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the recipient to be reasonable and not excessive as compared with fees customarily allowed for similar services.
  2. The fees charged for delivery of materials and supplies required on a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the recipient to be reasonable and not excessive as compared with fees customarily allowed for similar services.
  3. The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the recipient to be reasonable and not excessive as compared with fees customarily allowed for similar services.

X. Records and Reports

- A. The DBE Liaison Officer, or his designee, shall maintain such records, and provide such reports, as are necessary to ensure full compliance with this policy. Such records and reports shall include, as a minimum, the following information:
- Awards to DBEs.
  - Awards to majority contractors.
  - Such other data as is needed to fully evaluate compliance with this program.
- B. The DBE Liaison Officer, or his designee, shall submit reports to UMTA as required.

XI. Certification Procedures

- A. The City of Modesto will, in determining whether a firm is an eligible DBE, take the following steps for Stanislaus County businesses requesting certification:

- Perform an on-site visit to the offices of the firm and to any job sites on which the firm is working at the time of the eligibility investigation;
  - Obtain the resumes or work histories of the principal owners of the firm and personally interview these individuals;
  - Analyze the ownership of stock in the firm, if it is a corporation;
  - Analyze the bonding and financial capacity of the firm;
  - Determine the work history of the firm, including contracts it has received and work it has completed;
  - Obtain or compile a list of equipment owned or available to the firm and the licenses of the firm and its key personnel to perform the work it seeks to do as part of the DBE program;
  - Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program; and
  - Complete and submit the attached form, "Information For Determining Disadvantaged Business Enterprise Eligibility."
- B. Firms outside Stanislaus County wishing to be certified must submit certifications made by other U.S. Department of Transportation recipients. The City may accept such certifications from Stanislaus County businesses in lieu of the procedure specified in A. above.

## XII. Challenge Procedures

- A. Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the DBE Liaison Officer as a disadvantaged business. The challenge shall be made in writing to the DBE Liaison Officer.
- B. With its letter, the challenging party shall include all information available to it relevant to a determination of whether the challenged party is, in fact, socially and economically disadvantaged.
- C. The DBE Liaison Officer shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is, in fact, not socially and economically disadvantaged.
1. If the DBE Liaison Officer determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the DBE Liaison Officer shall so

Inform the challenging party in writing within thirty (30) days of receipt of the written challenge. This terminates the proceeding.

2. If the DBE Liaison Officer determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the DBE Liaison Officer shall begin a proceeding as provided in the following paragraphs of this section no later than thirty (30) days of receipt of the written challenge.
- D. The DBE Liaison Officer shall notify the challenged party in writing within ten (10) days of making the determination specified in Subsection C2 that his or her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide to the DBE Liaison Officer within a reasonable time, information sufficient to permit the DBE Liaison Officer to evaluate his or her status as a socially and economically disadvantaged individual.
  - E. The DBE Liaison Officer shall evaluate the information available to it and make a proposed determination of the social and economic disadvantage of the challenged party within thirty (30) days of receipt of the information supplied by the challenged party. The DBE Liaison Officer shall notify both parties of this proposed determination in writing setting forth the reasons for its proposal. The DBE Liaison Officer shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person. Said informal hearing shall be held no later than thirty (30) days after the parties are notified of the opportunity to hold such a hearing.
  - F. Within thirty (30) days following the informal hearing, the DBE Liaison Officer shall make a final determination and shall inform the parties in writing of the final determination, setting forth the reasons for its decision.
  - G. In making the determinations called for in this section, the DBE Liaison Officer shall use the standards set forth in Appendix C of 49 CFR 23.
  - H. During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect.
  - I. The final determination of the DBE Liaison Officer may be appealed in writing to the U.S. Department of Transportation by the adversely affected party to the proceeding under the procedures of § 23.55 of 49 CFR 23. Said appeal must be received by the U.S. Department of Transportation within fifteen (15) days of the date of receipt of notification by the parties of the DBE Liaison Officer's final determination. A copy of said appeal shall be furnished to the DBE Liaison Officer.

## SPECIAL PROVISIONS

### SPECIFICATIONS AND PLANS

**DISADVANTAGED BUSINESS**--This project is subject to Part 23, Title 49, Code of Federal Regulations entitled "Participation By Minority Business Enterprise In Department of Transportation Programs." The Regulations, in their entirety, are incorporated herein by this reference.

Bidders shall be fully informed respecting the requirements of the Regulations and CITY's Disadvantaged Business Enterprise (DBE) program developed pursuant to the Regulations; particular attention is directed to the following matters:

- (1) A DBE must be a small business concern as defined pursuant to Section 3 of U.S. Small Business Act and relevant regulations promulgated pursuant thereto;
- (2) A DBE may participate as a prime contractor, subcontractor, joint venture partner with a prime or subcontractor, or vendor of material or supplies;
- (3) A DBE joint venture partner must be responsible for a clearly defined portion of the work to be performed in addition to satisfying requirements for ownership and control. The DBE joint venturer must submit Schedule B of the Regulations;
- (4) A DBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work;
- (5) Credit for a DBE vendor of materials or supplies is limited to 60 percent of the amount to be paid to the vendor for the material unless the vendor manufactures or substantially alters the goods;
- (6) Credit for trucking by DBEs will be the amount to be paid when the DBE trucker will perform the trucking with his/her own trucks, tractors and employees or when a DBE trucking broker has signed agreements with DBE truckers assuring that the trucking will be performed by DBE truckers, respectively. Credit for trucking by DBEs will be limited to 20 percent of the amount paid in all other cases;
- (7) A DBE must be a certified DBE on the date bids for the project are opened before credit may be allowed toward the DBE goal. CITY's DBE Directory identifies DBEs which have been certified. Others may also qualify for certification but must

be certified before bid opening. The DBE directory may be obtained from the City of Modesto Engineering Department, 801 Eleventh Street, Modesto, California 95354;

- (8) Noncompliance by the contractor with the requirements of the regulations constitutes a breach of this contract and may result in termination of the contract or other appropriate remedy for such breach;
- (9) Bidders are encouraged to utilize services offered by banks owned and controlled by minorities or women.

DBE GOALS FOR THIS PROJECT--The City of Modesto has established the following goals for Disadvantaged Business Enterprise (DBE) participation for this project:

Disadvantaged Business Enterprise (DBE) \_\_\_\_\_percent

It is the bidder's responsibility to make a sufficient portion of the work available to subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to assure meeting the goals for DBE participation.

SUBMISSION OF DBE INFORMATION,  
AWARD, AND EXECUTION OF CONTRACT

GENERAL--The bidder's attention is directed to the provisions in "Award and Execution of Contract" of the Specifications and these special provisions for the requirements and conditions concerning submittal of DBE information, award, and execution of contract.

It is the bidder's responsibility to meet the goals for DBE participation or to provide information to establish that, prior to bidding, the bidder made good faith efforts to do so, as outlined elsewhere in these special provisions.

It is agreed that the bidder's security shall also be security for the bidder's compliance with the DBE information requirements. It is further agreed that if the bidder fails to submit the required DBE information by the times specified, such failure shall be deemed to be a failure to execute the contract and shall be just cause for the forfeiture of the security of the bidder.

DBE INFORMATION--The apparent successful bidder (low bidder) and the second low bidder shall submit DBE information to the office at which bids were received no later than fifteen working days following bid opening. Other bidders need not submit DBE information unless requested to do so by CITY. When such request is made, the DBE information of such bidder shall be submitted within 5 days, unless a later time is authorized by CITY.

The bidder's DBE information shall establish that the DBE goal will be met or that a good faith effort to meet the goal has been made.

Bidders are cautioned that even though their submittal indicates they will meet the stated DBE goal, their information along with their DBE goal information should be maintained to protect their eligibility for award of the contract in the event CITY, in its review, finds that the goal has not been met.

The information to show that the DBE goal will be met shall include the names of DBEs to be used with a complete description of work or supplies to be provided by each and the dollar value of each such DBE transaction.

The information necessary to establish the bidder's good faith efforts to meet the DBE goal must include, at a minimum, the following:

- (1) The names and dates of advertisement of each newspaper, trade paper, and minority-focus paper in which a request for DBE participation for this project was placed by the bidder;
- (2) The names and dates of notices of all certified DBEs solicited by direct mail for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested.

- (3) The items of work for which the bidder requested subbids or materials to be supplied by DBEs, the information furnished interested DBEs in the way of plans, specifications, and requirements for the work, and any breakdown of items of work into economically feasible units to facilitate DBE participation.
- (4) The names of DBEs who submitted bids for any of the work indicated in (3) above which were not accepted, a summary of the bidder's discussions and/or negotiations with them, the name of the subcontractor or supplier that was selected for that portion of work, and the reasons for the bidder's choice. If the reason for rejecting a DBE bid was price, give the price bid by the rejected DBE and the price bid by the selected subcontractor or supplier.
- (5) Assistance that the bidder has extended to DBEs identified in (4) above to remedy the deficiency in their subbids.
- (6) Any additional data to support a demonstration of good faith effort, such as contacts with DBE assistance agencies.

AWARD OF CONTRACT--The award of contract, if it be awarded, will be to the lowest responsible bidder whose proposal complies with all the requirements prescribed and who has met the goals for DBE participation or has demonstrated, to the satisfaction of CITY, good faith effort to do so. Meeting the goal for DBE participation or demonstrating, to the satisfaction of CITY, good faith efforts to do so is a condition for being eligible for award of contract.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-529

A RESOLUTION ADOPTING A CITY POLICY AGAINST HARASSMENT

WHEREAS, the City wants to maintain a working environment free of harassment on the basis of race, color, creed, national origin, ancestry, disability, religion, sex or sexual orientation and a written policy would let the employees know the City strongly disapproves of harassment in the workplace, informs the employees as to what kind of behavior constitutes harassment, and sets up the procedure by which the City can take immediate corrective action if it finds, after an investigation, that harassment is occurring.

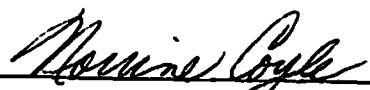
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "City Policy Against Harassment", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1988<sup>9</sup>, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk



# City Council Policy

EFFECTIVE DATE  
May 2, 1989

POLICY No.  
1.024

CITY DEPARTMENT  
Affirmative Action Officer

## CITY of MODESTO

**Subject** City Policy Against Harassment

### Purpose:

To maintain a working environment free of harassment on the basis of race, color, creed, national origin, ancestry, disability, religion, sex or sexual orientation.

### Background:

The City is going to conduct classes in sexual harassment and cultural awareness. After employees go through this training, there should be a written policy in place that defines harassment. This policy should state clearly what is unacceptable behavior at the workplace. This policy should also include the procedures by which the City can take immediate corrective action if it finds, after an investigation, that harassment is occurring. Staff polled several other cities and received written copies of their harassment policies and procedures. Additionally, a copy of the proposed policy was submitted to the Department Heads, several employee groups and to the Affirmative Action Commission for their input.

### Policy:

It is the policy of the City of Modesto to treat its employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, supervisors, agents, and volunteers, and all non-employees who have contact with employees during working hours. Any City employee who has been found, after an investigation, to have harassed another City employee because of their race, color, creed, national origin, ancestry, disability, religion, sex or sexual orientation will be subject to disciplinary action up to and including discharge.

#### Definition of Harassment

Harassment based on a person's race, color, creed, national origin, ancestry, disability, religion, sex or sexual orientation is a violation of Title VII of the Civil Rights Act. Harassment based on an employee's race, color, creed, national origin, ancestry, disability or religion occurs when:

1. The focus and/or content of the harassing act is the employee's race, color, creed, national origin, ancestry, disability or religion; and
2. These harassing acts create an intimidating, oppressive, hostile or offensive working environment or otherwise interfere with the employee's emotional well-being or ability to perform the employee's work.

#### LEGISLATIVE HISTORY

Adopted 5/2/89, Res. 89-

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment;
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; and
3. Such conduct negatively affects an employee's work performance and/or creates an intimidating, hostile or otherwise offensive work environment.

#### Examples of Harassment

Written examples include suggestive or obscene letters, notes, and invitations.

Verbal examples include derogatory comments, slurs, jokes, and racial epithets.

Physical examples include assault, touching, impeding or blocking movements.

Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

#### Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment.
2. The Affirmative Action Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager.
3. Every Department Head is responsible for informing all employees, including supervisors of the City policy against harassment and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor of every City employee is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Head, or the City's Affirmative Action Officer or Personnel Manager.

#### Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisors or Department Heads or the City's Affirmative Action Officer or the Per-

sonnel Manager. The Affirmative Action Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Affirmative Action Program.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-530

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INTERNATIONAL BUSINESS MACHINES CORPORATION FOR SERVICE ON THE 4381 MAINFRAME AND PERIPHERAL EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and International Business Machines Corporation for service on the 4381 mainframe and peripheral equipment

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 19 89, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-531

A RESOLUTION APPROVING "SELF-FUELING PERMIT" AGREEMENT FORMS TO ALLOW AIRCRAFT OWNERS TO SELF-FUEL AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE AIRPORT MANAGER TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, a committee was established which consisted of aircraft owners using Mogas, a member of the Airport Advisory Committee, the Airport Manager and the Fire Marshal to develop a Self-Fueling Permit agreement form for use at the Modesto City-County Airport to allow aircraft owners to legally bring Mogas on the Airport and to require the payment of fuel flowage fees, and

WHEREAS, said committee developed a form entitled "Modesto City-County Airport Self-Fueling Permit", which form agreement was reviewed and approved by the Airport Advisory Committee and which has also been approved by the Federal Aviation Administration ("FAA") Airport Certification Officer for compliance, and

WHEREAS, the Council of the City of Modesto desires to establish a procedure whereby said Self-Fueling Permit agreement forms may be entered into for the purpose of permitting self-fueling at the Modesto City-County Airport and to require the payment of fuel flowage fees, and

WHEREAS, it is proposed that said forms shall be signed on behalf of the City of Modesto by the City's Airport Manager in accordance with Chapter 3 of Title VII of the Modesto Municipal Code,

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

1. The form entitled "Self-Fueling Permit" to be used for the purpose of allowing aircraft owners to legally bring Mogas on the Airport and to require the payment of fuel flowage fees is hereby approved, said form is marked Exhibit "A" attached hereto and incorporated herein by reference.

2. Permittees may use only approved Mogas (as permitted by the FAA Supplemental Type Certificates ("STC")) in their own aircraft, and Permittees are specifically prohibited from selling fuel to others.

3. Permittees shall provide the City with a certificate of insurance evidencing liability insurance for the vehicle carrying the fuel to and from the Airport.

4. The City's Airport Manager is hereby authorized to execute said Self-Fueling Permits for and on behalf of the City of Modesto in accordance with Chapter 3 of Title VII 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 May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

SELF-FUELING PERMIT

THIS SELF-FUELING PERMIT AGREEMENT by and between the City of Modesto, a municipal corporation and charter city ("City") and \_\_\_\_\_ ("Permittee") is made with reference to the following facts:

A. Permittee rents aircraft space at the Modesto City-County Airport ("Airport") for the purposes of performing aeronautical activities and services, pursuant to a City Council resolution establishing charges and fees therefor;

B. Permittee desires to self-fuel aircraft owned by the Permittee with FAA-approved automotive gasoline ("Mogas"); and

C. City has authorized the Airport Manager ("Manager") to permit self-fueling at the airport pursuant to Chapter 3 of Title VII of the Modesto Municipal Code so long as self-fueling permits are issued in accordance with all applicable requirements of the United States Department of Transportation, the Federal Aviation Administration, and Federal Aid to Airport Grant Agreements and Assurances.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Authorization of Self-Fueling. City hereby authorizes Permittee to engage in the self-fueling of aircraft owned by Permittee at the Airport; and Permittee agrees to carry out such

refueling with Permittee's own equipment in accordance with all applicable laws, regulations, and directives, including the FAA Supplemental Type Certificates ("STC") and in compliance with the terms and conditions of this Self-fueling Permit Agreement.

2. Permitted Self-Fueling Activities. Permittee may conduct the following activities and no others on the Airport under the authority of this permit:

A. Self-fueling operations for noncommercial purposes, consisting of the transportation of flammable liquids, i.e., Mogas to or from the Permittee's designated aircraft storage space on the Airport. Permittee may fuel only aircraft owned by Permittee and no others under the authority of this permit. Permittee shall not, under any circumstances, sell fuel to or dispense fuel into any other aircraft.

3. Restricted Operations. The self-fueling activities authorized above shall be subject to the following conditions and restrictions:

A. Permittee shall be permitted to self-fuel Permittee's aircraft only outside the Permittee's aircraft storage space, or such nonexclusive public area as the Manager may designate. The dispensing and delivery of fuel into aircraft shall be in strict accordance with all Airport rules and regulations and all applicable local, state, and federal rules and regulations governing the delivery of fuel into aircraft. It shall be the sole responsibility of Permittee to keep fully informed of such rules and regulations at all times.

B. Fuel equipment used by Permittee shall meet the minimum requirements as established by the Airport or other controlling public authority. Example: Permittee should assure that the Mogas (automotive fuel) conforms to ASTM specifications D-439 as required and that by the FAA SUPPLEMENTAL TYPE CERTIFICATE (STC) fuel does not contain alcohol, methanol, or both which can be detrimental to rubber parts, carburetor, gaskets, and other engine components.

C. Permittee's fueling equipment may be parked or positioned on Airport premises only when actually dispensing fuel to Permittee's aircraft. Permittee's fueling equipment shall not be parked in T-Hangar at any time. Permittee's fueling equipment shall be parked in the area designated by the Airport Manager at Attachment 1 which is incorporated herein by this reference.

D. Permittee shall use only the entrance, exit, and route designated by the Manager during the transportation and delivery of fuel onto and off the Airport.

E. During fuel dispensing into the aircraft, the fueling vehicle and aircraft shall be positioned with a clear exit path and shall not obstruct other aircraft or vehicular movements.

F. Hangared aircraft shall be positioned outside of and a minimum of 25 feet from any hangar or structure during refueling.

G. Fuel delivery vehicle/equipment and aircraft shall be properly grounded during refueling operations.

H. Permittee shall ensure that there are no potential sources of fuel ignition within 50 feet of the fueling operation.

I. Fuel nozzles shall be automatic shut off type without latch open device and shall not be blocked open with any foreign object or left unattended during fueling operations.

J. All fuel spills shall be reported immediately to the Airport Manager's Office (577-5318) during normal working hours or to the Fire Department through the Modesto Communications Center (911).

K. The Airport Manager or his representative may immediately suspend any fueling operation for violation of any term or condition of this permit.

4. Minimum Fueling Equipment Requirements:

A. Fuel transport and dispensing tanks/containers must comply with all applicable federal, state, county, and city regulations regarding the transportation and storage of flammable or combustible liquids, i.e., Mogas (automotive gasoline).

B. Fuel transport container capacity shall not be less than 10 gallons each. Containers shall be clearly marked with the type of fuel, i.e., Mogas, and with "flammable" and "no smoking" placards on the container's exterior.

C. All fuel transport container(s) shall be mechanically secured in the transport vehicle.

D. Fuel dispensing container(s) shall have a valve mechanism such that water or other contaminants can be drained from the lowest portion of the tank, unless equipped with an approved metal filter of adequate size approved by the Fire Marshal.

E. Fuel uplift standpipe shall be constructed such that approximately 5-10% of the total capacity of the dispensing tank cannot be delivered through the dispensing system (5-10% unusable sump).

F. Fuel dispensing pumps (and any associated electrical wiring), hoses, nozzles, and filters shall meet all applicable federal, state, county, and city requirements pertaining to the dispensing of automotive gasoline or aviation fuels. Fuel dispensing nozzles shall be of the type equipped with an automatic shut off without hold open latching device.

G. An inline filtration system utilizing a 5 micron or less gasoline filter element shall be included in the fuel dispensing system. A chamois shall not be used as an addition to the filtration system requirement.

H. Approved cables for electrically grounding the fuel dispensing system and the aircraft shall be provided.

I. An approved 20 B.C. rated fire extinguisher is required and shall be readily available to the operator while transporting or dispensing automotive gasoline or aviation fuels on the Airport.

J. All equipment shall be maintained in a clean, non-leaking condition and subject to inspection at any time by the Airport Manager or Fire Marshal while on the Airport premises.

K. All equipment shall be inspected and approved in writing by the Fire Marshal before the self-fueling permit is approved. (Said permit shall be charged an inspection fee as established from time to time by the City.)

5. Administrative Fee. Permittee shall pay City a one-time Administrative/Permit Fee of \$10.00. Said fee shall be submitted to the Airport Manager in connection with final permit approval. No self-fueling activities may occur until the Manager has approved the self-fueling permit.

6. Fuel Flowage Fees:

A. In lieu of fuel flowage fees, Permittee shall pay a fee based on the following rates for distribution of fuel. This fee shall be subject to adjustment from time to time by City, and Permittee shall be required to pay said adjusted fee annually. The term "distribution of fuel" as used in this paragraph shall mean all fuel distributed into Permittee's own aircraft at the Modesto Airport and shall not include fuel distributed from Permittee's fueling equipment at locations other than Modesto City-County Airport or fuel transported from place to place by said Permittee's equipment.

B. "In lieu of fees" will be paid annually when permit is issued and shall be based upon the engine horsepower of the aircraft owned by Permittee, as set forth below:

1. 1-65 HP: \$25.00
2. 66-150 HP: \$50.00
3. 151-300 HP: \$75.00
4. 300-650 HP: \$100.00
5. 651 and above HP: \$150.00

7. Insurance Requirements: Permittee, at its sole cost and expense and for the full term of this permit or any renewal thereof, shall obtain and maintain at least the minimum insurance requirements set forth in the Modesto Municipal Code for automobiles.

A. A COMPREHENSIVE AUTOMOBILE Policy, with a minimum limit of not less than \$300,000 combined single limit for bodily injury and property damage, providing at least all of the following coverages (without deductibles):

(1) Coverages shall be applicable to any and all leased, owned, hired, or non-owned vehicles used in the pursuit of any of the activities associated with this permit.

B. The said policy or policies described above shall name the City, its officers, agents, volunteers, and employees as additional named insureds and shall insure against all claims or demands of any and all persons for damage and injuries, including death, sustained by any person or persons occurring from the negligence or the act or omission of Permittee, its

officers, agents, volunteers, and employees, or resulting from its noncompliance with any law, ordinance, order, or regulation respecting the condition, use, occupation or safety of the premises hereunder or any part thereof, or resulting from Permittee's or its agents' or employees' failure to do anything required by this permit agreement or resulting from or arising out of the Permittee's activities under this agreement and any lease or other document governing Permittee's use of the airport and/or any structure thereon.

C. Endorsements: All of the following endorsements are required to be made part of each of the above required policies as stipulated below:

(1) "The City of Modesto, its employees, officers, agents, and volunteers are hereby added as additional insureds."

(2) "This policy shall be considered primary insurance as respects any other valid and collectible insurance the City of Modesto may possess, including any self-insured retention the City may have, and other insurance the City does possess, if any, shall be considered excess insurance only."

(3) "This insurance shall act for each insured, and additional insured as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company."

(4) "Thirty (30) days prior written notice of cancellation shall be given to the City of Modesto in the event of cancellation and/or reduction in coverage of any nature."

HOJA 001210702 10 19990701010

D. Proof of Coverage: Copies of all the required ENDORSEMENTS shall be attached to the CERTIFICATE OF INSURANCE which shall be provided to the Airport by the Permittee's insurance company prior to the execution of this permit as evidence of the stipulated coverages. Permittee shall submit to the Airport Manager a current Certificate of Insurance with required endorsements which shall be maintained on file with the Airport.

E. Permittee shall also during the term of this permit subscribe and comply with the Workers' Compensation Laws of California, if applicable, and save the City of Modesto harmless from any and all liability arising from or under said Act.

B. Indemnity and Waiver of Claim. By acceptance of this Permit, Permittee hereby agrees to defend, indemnify, and hold harmless City, its officers, agents, volunteers, and employees from any and all claims, demands, damages, obligations, suits, judgments, penalties, causes of action, losses, liabilities or costs at any time received, incurred, or accrued by City, its officers, agents, volunteers, and employees, as a result of or arising out of the existence of or exercise of the rights or obligations of Permittee under this Permit, except as may arise from the sole active negligence or sole willful misconduct of City, its officers, agents, or employees. City's right to full indemnity hereunder shall arise notwithstanding that principles

*of comparative negligence might otherwise impose liability on City pursuant to statutes, ordinances, regulations, or other laws. The indemnity shall be an endorsement on any insurance policy of Permittee and so noted on all certificates of insurance submitted to the City.*

Permittee, as a material part of the consideration to be rendered to City under this Permit, hereby waives all claims or causes of action against City, its officers, agents, volunteers, or employees which it may now or hereafter have for damages to goods, wares, merchandise or other property in, about or upon the Modesto Airport, and for injuries or death to persons in or about said Airport, from any cause or causes arising at any time, except as may arise from the sole active negligence or sole willful act of misconduct of City, its officers, agents or employees, and notwithstanding that joint, several, or concurrent liability, or principles of comparative negligence, might otherwise impose liability on City.

By way of example and not limitation, save and except as arises out of the sole active negligence or sole willful act of misconduct of City, its officers, agents, or employees, Permittee hereby waives any and all claims or causes of action which it may now or hereafter have against City, its officers, agents or employees (a) for loss, injury or damage sustained by reason of any deficiency, impairment and interruption of any water, electrical, gas, plumbing, air conditioning or sewer service or system serving any portion of said Airport, (b) for

any loss, injury or damage arising or resulting from any act or neglect or omission of any other tenant, subtenant, contractor, Permittee, concessionaire or occupant of said Airport, or any person who uses said Airport with authorization or permission of City, and (c) for any loss or damage to the property of, or injury or damage to Permittee, its officers, agents, employees, contractors or any other person whomsoever, from any cause or causes arising at any time because of Permittee's uses or occupancy of such building or of said Airport, or its operations thereon.

The term "active negligence", as used herein, for all the purposes hereof, shall be construed to only mean either one of the following two situations: When City, its officers, agents or employees, has or have directly participated in an affirmative act of negligence in connection with the maintenance and operation of the Airport facilities; or when City, its officers, agents, or employees has or have failed to perform the obligations expressly required of City under the terms of this Permit.

9. Grant Agreement Covenants: Permittee acknowledges that the City is subject to Federal Grant Agreement obligations as a condition precedent to granting of funds for improvement of the Airport, and, accordingly, agrees to, and agrees to be bound by, the following covenants provided by the Federal Aviation Administration, as they may apply to Permittee:

A. The City of Modesto reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or view of Permittee and without interference or hindrance.

B. The City of Modesto reserves the right, but shall not be obligated to Permittee, to maintain and keep in repair the landing area of the Airport and all publicly-owned facilities of the Airport, together with the right to direct and control all activities of Permittee in this regard.

C. This permit shall be subordinate to the provisions and requirements of any existing or future agreement between the City of Modesto and the United States, relative to the development, operation or maintenance of the Airport.

D. There is hereby reserved to the City of Modesto its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein permitted. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from or operation on the Modesto Airport.

E. Permittee by accepting this permit agrees for itself, its successors and assigns that it will not make use of the Airport premises in any manner which might interfere with the landing and taking off of aircraft from Modesto Airport or otherwise constitute a hazard.

In the event the aforesaid covenant is breached, City reserves the right to cause the abatement of such interference at the expense of Permittee, and, in connection therewith enter upon any premises under Permittee's control pursuant to a lease or any other authority.

F. The parties understand and agree that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308a of the Federal Aviation Act of 1958 (49 U.S.C. 1349a).

G. This permit and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of said Airport or the exclusive or nonexclusive use of the Airport by the United States during the time of war or national emergency.

10. Modifications for Granting FAA Funds. In the event that the Federal Aviation Administration requires, as a condition precedent to granting of funds for the improvement of the Airport, modifications or changes to this Permit, Permittee agrees to consent to such reasonable amendments, modifications, revisions, supplements or deletions of any of the terms, conditions, or requirements of this Permit as may be reasonably required to enable City to obtain said Federal Aviation Administration funds, provided that in no event shall such changes substantially impair the rights of Permittee hereunder.

11. Assignment Prohibited. This Permit is personal to Permittee and is not transferable or assignable by operation of law or otherwise.

12. Failure to Conform to Requirements of Permit. If Permittee shall, at any time or times during the term of this Permit, fail to conform to the terms, conditions, or provisions herein contained, then the Airport Manager may give thirty (30) days advance written notice of intent to revoke and terminate any and all rights and privileges granted herein. Permittee shall have fifteen (15) days after the receipt of said notice to either conform to the requirements of this Permit, or to file a written notice of appeal. The decision of the Airport Manager to revoke and terminate all permitted rights and privileges shall be final if no such appeal is timely filed.

13. Possessory Interest Subject to Taxation. Permittee recognizes and understands that this Permit may, but is not intended to, create a real property possessory interest that may be, but is not intended to be, subject to real estate property taxation and that Permittee may be subject to the payment of real property taxes levied on such interest. No such possessory interest tax, or any other tax by any governmental entity, shall in any way reduce or substitute for the charges or fees required to be paid as a condition of this Permit or as otherwise required by City. Permittee agrees to pay all such taxes when due.

14. Month-to-Month Term. This permit shall be effective after issuance upon the date of its acceptance and shall extend through the last day of the month when this occurs, but it shall be extended automatically for each successive month thereafter unless and until terminated by written notice from either the City's Airport Manager or Permittee.

15. Permittee Not An Agent of City. Issuance of this permit or any acts of Permittee under this permit shall not in any way constitute Permittee as agent, contractor, licensee, volunteer, or employee of the City of Modesto for any purpose.

16. Appeal Rights. Denial, modification, restriction, revocation, or termination of this permit is subject to the rights of appeal specified by Chapter 4 of Title I of the Modesto Municipal Code.

17. Notices. All written notices given in conjunction with this permit shall be effective upon deposit in the mail, first class, postage prepaid, to the applicable addresses:

City of Modesto:	Airport Manager
	Modesto City-County Airport
	700 Tioga Drive
	Modesto, CA 95354

Permittee:

Date of Issuance: \_\_\_\_\_, 19\_\_\_\_

CITY OF MODESTO, a municipal  
corporation,

GARTH LIPSKY, City Manager

By \_\_\_\_\_  
Airport Manager

ACCEPTANCE

The undersigned as Permittee hereby agrees, in consideration of the revocable permit granted above, to perform and abide by the terms, conditions, restrictions, and obligations of the permit.

Date of Acceptance: \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Permittee

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-532

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MUNICIPAL RESOURCE CONSULTANTS TO PROVIDE SALES TAX AUDIT SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Municipal Resource Consultants to provide sales tax audit 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 2nd day of May , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-533

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND  
THE DIANNA BROTHERS 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 the DiAnna Brothers 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 2nd day of May ,  
1989 , by Councilmember Lang , who moved its adoption, which motion  
being duly seconded by Councilmember McGrath , was upon roll call carried  
and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-534

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1988-89 TO APPROPRIATE CAPITAL FACILITIES FEES ESTIMATED TO BE COLLECTED DURING THE FINAL TWO MONTHS OF FISCAL YEAR 1988-89.

WHEREAS, pursuant to City Council Resolution No. 89-373 adopted on February 28, 1989, and which became effective on May 1, 1989, the Council of the City of Modesto has approved revised Capital Facilities Fees, and

WHEREAS, said revised Capital Facilities Fees are to be collected on building permits issued on or after May 1, 1989, and

WHEREAS, it is estimated that insufficient Capital Facilities Fees will be collected during the balance of FY 1988-89 to construct the capital facilities for which these fees are to be collected as outlined in the report to Council entitled "Capital Facilities Fees Report," by Recht Hausrath & Associates and approved by the City Council on February 28, 1989, and

WHEREAS, it is necessary to appropriate said Capital Facilities Fees for the remaining two months, May and June, of FY 1988-89, and

WHEREAS, it is advisable to appropriate any Capital Facilities Fees collected during the months of May and June, 1989, to reserves for the construction of capital facilities as outlined in the Capital Facilities Fees Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Capital Facilities Fees collected in the months of May, 1989 and June, 1989, shall be and hereby are appropriated in reserve accounts of the following Capital Facilities Fees Funds to be used to finance capital facilities outlined in the Capital Facilities Fees Report and that said

reserve accounts shall be and hereby are reappropriated to finance the projects outlined in the Capital Facilities Report in the Annual Budget of the City of Modesto for the Fiscal Year 1989-90 to be effective July 1, 1989:

POLICE DEPARTMENT CAPITAL FACILITIES FEES FUND (FUND NO. 131)

1. The amount of \$87,034 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$87,034 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

FIRE DEPARTMENT CAPITAL FACILITIES FEES FUND (FUND NO. 132)

1. The amount of \$39,505 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$39,505 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

PARKS CAPITAL FACILITIES FEES FUND (FUND NO. 135)

1. The amount of \$261,319 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$261,319 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

WASTEWATER TREATMENT CAPITAL FACILITIES FEES FUND (FUND NO. 137)

1. The amount of \$37,175 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$37,175 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

OTHER CAPITAL FACILITIES FEES FUND (FUND NO. 138)

1. The amount of \$53,385 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$53,385 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

CAPITAL FACILITIES FEES ADMINISTRATION FUND (FUND NO. 139)

1. The amount of \$7,313 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$7,313 is appropriated in account no. 8003, Contingency Reserve.

EXPRESSWAY LOOP CAPITAL FACILITIES FEES FUND (FUND NO. 133)

1. The amount of \$64,797 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$64,797 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

STREET LIGHT CAPITAL FACILITIES FEES FUND (FUND NO. 134)

1. The amount of \$331 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$331 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

TRAFFIC SIGNAL CAPITAL FACILITIES FEES FUND (FUND NO. 136)

1. The amount of \$24,987 is estimated as revenue in account no. 4015, Capital Facilities Fees.
2. The amount of \$24,987 is appropriated in account no. 8006, Contingency Reserve for Pending Capital Projects.

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 2nd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-535

A RESOLUTION ADOPTING A CONSTRUCTION PLAN FOR CAPITAL FACILITIES TO BE FUNDED BY THE RECENTLY REVISED CAPITAL FACILITIES FEES.

WHEREAS, pursuant to City Council Resolution No. 89-373 adopted on February 28, 1989, and which became effective on May 1, 1989, the Council of the City of Modesto has revised the Capital Facilities Fees, and

WHEREAS, it is necessary to establish a proposed construction plan for the expenditure of said Capital Facilities Fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following schedules are hereby adopted as the construction plan for the expenditure of Capital Facilities Fees estimated to be collected in the following Funds; a copy of said schedules are attached hereto and incorporated herein by reference.

SCHEDULE A - Police Department Capital Facilities Fees Fund  
(Fund No. 131)

SCHEDULE B - Fire Department Capital Facilities Fees Fund  
(Fund No. 132)

SCHEDULE C - Expressway Loop Capital Facilities Fees Fund  
(Fund No. 133)

SCHEDULE E - Parks and Recreation Capital Facilities Fees Fund  
(Fund No. 135)

SCHEDULE F - Traffic Signals Capital Facilities Fees Fund  
(Fund No. 136)

SCHEDULE G - Wastewater Capital Facilities Fees Fund  
(Fund No. 137)

SCHEDULE H - Other City Capital Facilities Fees Fund  
(Fund No. 138)

SCHEDULE I - Capital Facilities Fees Administration Fund  
(Fund No. 139)

NOTE: SCHEDULE D - Proposed Construction Plan for the Street Light Capital Facilities Fees Fund (Fund No. 134) will be submitted after the Phase II traffic study is complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

SCHEDULE A

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 131

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>POLICE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>							
NEW POLICE BUILDING (CFF)	001	14665	0	0	0	0	0
NEW STORAGE BUILDING & SERVICE GARAGE	002	1659	0	0	0	0	0
POLICE PARKING GARAGE-LAND ACQUISITION & SITE PREP (CFF)	003	3071	0	0	0	0	0
REMODEL EXISTING POLICE BUILDING (CFF)	004	1000	0	0	0	0	0
SERVICE YARD AND LANDSCAPING	006	525	0	0	0	0	0
NEW EQUIPMENT FOR POLICE BUILDING (CFF)	005	0	0	525	0	0	0
		<hr/>					
POLICE-FACILITIES CONSTRUCTION & IMPROVEMENT		20920	0	525	0	0	0
<b>EQUIPMENT</b>							
POLICE VEHICLES-PATROL 43, OTHER 86 (CFF)	11A	0	0	1926	0	0	0
		<hr/>					
EQUIPMENT		0	0	1926	0	0	0
		<hr/>					
	Fund: 131	20920	0	2451	0	0	0
	Total	<hr/>					
		20920	0	2451	0	0	0

Proposed General Obligation Bond Financing  
 CFF to provide debt service.

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

SCHEDULE B

FUND: 132

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>							
Fire Stations No. 9 and 10		901	0	0	0	0	0
RETROFIT EXISTING TRAFFIC SIGNALS WITH EMERGENCY PREEMPTION	004	1400	0	0	0	0	0
IMPROVEMENTS EXISTING FIRE STATIONS	005	400	0	0	0	0	0
NEW FIRE ADMINISTRATION/PREVENTION FACILITY	007	1334	0	0	0	0	0
STATIONS 11 THROUGH 13 CONSTRUCTION	011	1623	0	0	0	0	0
FIRE TRAINING CENTER	012	1305	0	0	0	0	0
AIRCRAFT FIREFIGHTING FLAMMABLE LIQUID BURN PIT	013	350	0	0	0	0	0
REPAIR AND REMODEL FIRE STATION #1	015	632	0	0	0	0	0
EQUIPMENT REPAIR FACILITY	018	360	0	0	0	0	0
REPLACE FIRE ENGINES (3)	002	0	0	660	0	0	0
Fire Station No. 2 Acquisition and Construc.		480	0	0	0	0	0
Air Filling Clean Room		20	0	0	0	0	0
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>		<b>8805</b>	<b>0</b>	<b>660</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>EQUIPMENT</b>							
CLOSED CIRCUIT TV UPGRADE - FIRE	003	0	0	68	0	0	0
<b>EQUIPMENT</b>		<b>0</b>	<b>0</b>	<b>68</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>							
REPLACE AERIAL LADDER TRUCK		0	0	485	0	0	0
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>		<b>0</b>	<b>0</b>	<b>485</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>EQUIPMENT</b>							
REPLACE STATION EQUIPMENT	006	0	0	43	0	0	0
<b>EQUIPMENT</b>		<b>0</b>	<b>0</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>							
REPLACEMENT OF RESCUE TRUCK	008	0	0	175	0	0	0
AIR/LIGHTING UTILITY VEHICLE	009	0	0	250	0	0	0
MOBILE SERVICE TRUCK	019	0	0	26	0	0	0
REPLACE MOBILE RADIO SYSTEM	021	0	0	145	0	0	0
REPLACEMENT OF RESCUE TOOLS (2)	022	0	0	28	0	0	0
<b>FIRE-FACILITIES CONSTRUCTION &amp; IMPROVEMENT</b>		<b>0</b>	<b>0</b>	<b>624</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FIRE STATIONS #9 AND #10 EQUIPMENT</b>							
EQUIPMENT REPAIR FACILITY EQUIPMENT	023	0	0	632	0	0	0
EMERGENCY BREATHING EQUIPMENT	024	0	0	50	0	0	0
ADDITIONAL SAFETY EQUIPMENT	025	0	0	67	0	0	0
DATA MANAGEMENT SYSTEM	026	0	0	15	0	0	0
FIRE STATION #11 AND #13	027	0	0	56	0	0	0
RESCUE TRUCK	028	0	0	948	0	0	0
VEHICLES	029	0	0	175	0	0	0
STATION #8 EQUIPMENT	030	0	0	144	0	0	0
AERIAL LADDER TRUCK	031	0	0	556	0	0	0
	033	0	0	485	0	0	0
		<b>0</b>	<b>0</b>	<b>3128</b>	<b>0</b>	<b>0</b>	<b>0</b>

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND:

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
Fund: 132		8805	0	5008	0	0	0
Total		8805	0	5008	0	0	0

Proposed General Obligation Bond Financing  
 CFF to provide debt service.



SCHEDULE E

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 135

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>PARKS &amp; RECREATION</b>							
JOHANSEN COMMUNITY PARK - 9 TENNIS COURTS	004	184	0	0	0	0	0
JOHANSEN COMMUNITY PARK-OLYMPIC POOL	005	591	0	0	0	0	0
JOHANSEN COMMUNITY PARK - PRELIMINARY PLANS & ARCH	006	12	0	0	0	0	0
JOHANSEN COMMUNITY PARK-LAND ACQUISITION		200	0	0	0	0	0
JOHANSEN COMMUNITY PARK-SITE PREP AND STREET IMPROVEMENTS		800	0	0	0	0	0
EMPIRE WEST NGH PARK SITE ACQUISITION	009	250	0	0	0	0	0
ROBERTSON ROAD NBH PARK - STREET IMPROVEMENTS	024	0	0	50	0	0	0
WESSON RANCH NEIGHBORHOOD PARK DEVELOPMENT-TRAINING POOL	026	0	0	84	0	0	0
YOSEMITE NBH PARK - SITE PREPARATION, STREET IMPROVEMENTS	029	0	0	98	0	0	0
E. LA LOMA NBH PARK - LANDSCAPING	030	0	0	20	0	0	0
JOHANSEN COMMUNITY PARK-LAND ACQUISITION	032	0	0	175	0	0	0
AQUEDUCT NBH PARK - PLANS, LANDSCAPING & SITE PREP	035	0	0	343	0	0	0
WESTSIDE PARK BASKETBALL COURT RENOVATION	036	0	0	30	0	0	0
NORTHEAST MC HENRY NBH PARK - ACQUISITION	039	0	0	560	0	0	0
ORCHARD NBH PARK - PRELIMINARY PLANS	041	0	0	9	0	0	0
SIPHERD NBH PARK - PICNIC UNITS, SHADE SHELTER	042	0	0	0	43	0	0
LAKEWOOD NBH PARK - PICNIC UNITS, SHELTER & LIGHTS	043	0	0	0	46	0	0
YOSEMITE NBH PARK - SITE PREPARATION/LANDSCAPING	044	0	0	0	294	0	0
CF BROWN NBH PARK - PICNIC SHELTER	045	0	0	0	29	0	0
JOHANSEN COMMUNITY PARK-LAND ACQUISITION	047	0	0	0	200	0	0
TB SCOTT PARK - PLAY EQ, PICNIC UNITS, SHELTER & LIGHTS	048	0	0	0	35	0	0
CHRYSLER NBH PARK - GROUP PARK SHELTER	049	0	0	0	29	0	0
MERLE EAST NEIGHBORHOOD PARK ACQUISITION - 5 ACRES	052	0	0	0	135	0	0
FLOYD NGH PARK #2 DEVELOPMENT - PHASES II-IV	053	0	0	0	215	0	0
YOSEMITE NBH PARK - DEVELOPMENT, PHASES II-VI	054	0	0	0	327	0	0
MUNCY NBH PARK - PHASE VI	056	0	0	0	0	17	0
SHERWOOD NBH PARK - PICNIC SHELTER	058	0	0	0	0	18	0
MC KINNEY COLONY NBH PARK - DEVELOPMENT, PHASE II	060	0	0	0	0	149	0
CHRYSLER 99 NBH PARK DEVELOPMENT - PRELIMINARY PLANS	061	0	0	0	0	8	0
ORCHARD NBH PARK - LANDSCAPE/ SITE PREPARATION	062	0	0	0	0	582	0
SIPHERD NBH PARK - FENCING	063	0	0	0	0	4	0
ROBERTSON ROAD NBH PARK - DEVELOPMENT, ALL PHASES		0	0	0	0	732	0
JOHN MUIR PARK - TRAINING POOL	064	0	0	0	0	81	0
JOHANSEN COMMUNITY PARK-LAND ACQUISITION	065	0	0	0	0	295	0
AQUEDUCT NBH PARK - UTILITY/RESTROOM BLDG & PLAY EQUIPMENT	067	0	0	0	0	141	0
LAKEWOOD NBH PARK - GAME COURTS	068	0	0	0	0	41	0
SIPHERD NBH PARK - GAME COURTS	069	0	0	0	0	41	0
CLAUS NEIGHBORHOOD PARK SITE - ACQUISITION	071	0	0	0	0	220	0
CHRYSLER 99 NBH PARK - PHASE I, LANDSCAPE/SITE PREP	072	0	0	0	0	211	0
WESSON RANCH NBH PARK - PICNIC UNITS, SHADE STRUCT, LIGHTING	073	0	0	0	0	229	0
E. LA LOMA NBH PARK DEVELOPMENT - PICNIC SHELTER	077	0	0	0	0	60	0
JOHANSEN COMMUNITY PARK - DEVELOPMENT, ALL PHASES	078	0	0	0	0	35	0
EISENHUT NBH PARK - DEVELOPMENT, ALL PHASES	082	0	0	1850	2001	0	628
E. LA LOMA NBH PARK DAYCAMP AREA	083	0	0	0	0	0	28
MARK TWAIN NBH PARK - DEVELOPMENT, ALL PHASES	084	0	0	0	0	0	999
CHRYSLER 99 NBH PARK - DEVELOPMENT, PHASES II-VI	085	0	0	0	0	0	482
NORTHEAST MC HENRY NBH PARK - DEVELOPMENT ALL PHASES	088	0	0	0	0	0	1116
MC KINNEY COLONY NBH PARK - DEVELOPMENT, PHASES III-VI	090	0	0	0	0	0	254
ORVILLE WRIGHT NBH PARK - DEVELOPMENT, ALL PHASES	091	0	0	0	0	0	708
AQUEDUCT NBH PARK - TRAINING POOL, PICNIC UNITS & LIGHTS	092	0	0	0	0	0	187
STOCKARD-COFFEE NEIGHBORHOOD PARK-DEVT, ALL PHASES (BEYER)	094	0	0	0	0	0	623
ORCHARD NBH PARK-DEVELOPMENT, PHASES II-VI	095	0	0	0	0	0	361
FLOYD NGH PARK #2 DEVELOPMENT - DEVELOPMENT, PHASE V	096	0	0	0	0	0	197
EMPIRE WEST NGH. PARK "A" DEVELOPMENT, ALL PHASES	098	0	0	0	0	0	748
ROSELLE NBH PARK - DEVELOPMENT	102	0	0	0	0	0	1238

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 135

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
FAIRWAY NBH PARK - DEVELOPMENT, ALL PHASES	103	0	0	0	0	0	543
MERLE EAST NBHD PARK DEVELOPMENT, ALL PHASES	105	0	0	0	0	0	708
MERLE NBH PARK - DEVELOPMENT, ALL PHASES	106	0	0	0	0	0	1149
TWO FUTURE COMMUNITY PARKS AND HIGH SCHOOLS	107	0	0	0	0	0	1182
CLAUS NEIGHBORHOOD PARK SITE, DEVELOPMENT, ALL PHASES	108	0	0	0	0	0	747
VARIOUS NEIGHBORHOOD PARKS PROJECTS (CFF)	109	0	0	0	0	0	12015
VARIOUS COMMUNITY PARKS PROJECTS (CFF)	110	0	0	0	0	0	12824
MULTIPURPOSE BUILDINGS (CFF)	111	0	0	0	0	0	1582
TENNIS COURTS NEAR JUNIOR HIGH SCHOOLS	112	0	0	0	0	0	870
COMMUNITY RECREATION BUILDINGS	113	0	0	0	0	0	7492
SYLVAN PICNIC SHELTER	114	0	0	0	0	0	24
OTHER PROJECTS-(CFF)	115	0	0	0	0	0	17879
<b>PARKS &amp; RECREATION</b>		<b>2037</b>	<b>0</b>	<b>3219</b>	<b>3354</b>	<b>2864</b>	<b>64584</b>
<b>EQUIPMENT</b>							
VAN VEHICLE - PARKS ORG 3113	064	0	0	0	0	20	0
52-FOOT AERIAL TOWER TRUCK - ORG 3212 TREES	094	0	0	0	0	0	170
1 1/2 TON TRUCK & 500 GALLON SPRAY RIG - ORG 3213, TREES	095	0	0	0	0	0	50
<b>EQUIPMENT</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>220</b>
<b>OTHER MAJOR CAPITAL REQUIREMENTS</b>							
<b>EQUIPMENT-VARIOUS</b>	116	0	0	0	0	0	3369
<b>OTHER MAJOR CAPITAL REQUIREMENTS</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3369</b>
<b>Fund: 135</b>		<b>2037</b>	<b>0</b>	<b>3219</b>	<b>3354</b>	<b>2884</b>	<b>68173</b>
<b>Total</b>		<b>2037</b>	<b>0</b>	<b>3219</b>	<b>3354</b>	<b>2884</b>	<b>68173</b>

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 136

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>STREETS-TRAFFIC SIGNALS</b>							
BRIGGSMORE/LAKWOOD TRAFFIC SIGNAL	002	130	0	0	0	0	0
CENTRALIZED TRAFFIC SIGNAL CONTROL SYSTEM-PHASE I	005	210	0	0	0	0	0
CENTRALIZED TRAFFIC SIGNAL CONTROL SYSTEM-PHASE II	019	0	0	690	0	0	0
CENTRALIZED TRAFFIC SIGNAL CONTROL SYSTEM-PHASE III	024	0	0	0	400	0	0
CENTRALIZED TRAFFIC SIGNAL CONTROL SYSTEM-PHASE IV	030	0	0	0	0	300	0
<b>STREETS-TRAFFIC SIGNALS</b>		<b>340</b>	<b>0</b>	<b>690</b>	<b>400</b>	<b>300</b>	<b>0</b>
Fund: 136		340	0	690	400	300	0
Total		340	0	690	400	300	0

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 137

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>UTILITY IMPROVEMENS-SEWAGE</b>							
ODOR CONTROL STUDY/IMPROVEMENTS	005	120	0	0	0	0	0
GRIT REMOVAL SYSTEM REPLACEMENT	006	80	0	0	0	0	0
60" OUTFALL LINE	039	0	0	0	960	0	0
SLUDGE THICKENER & DRYING BEDS CLARIFIER	053	0	0	0	0	0	2100
60" OUTFALL LINE	054	0	0	0	0	160	0
SLUDGE THICKENER & DRYING BEDS CLARIFIER	062	0	0	0	0	100	0
60" OUTFALL LINE	063	0	0	0	0	0	1600
SLUDGE THICKENER & DRYING BEDS CLARIFIER	064	0	0	0	0	0	1600
	075	0	0	0	0	0	1500
		200	0	0	960	260	6800
		200	0	0	960	260	6800
		200	0	0	960	260	6800

Fund: 137

Total

SCHEDULE H

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

FUND: 138

Project Name	Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
<b>EQUIPMENT</b>							
COMPUTER EXPANSTION	001	200	0	0	0	0	0
EQUIPMENT		200	0	0	0	0	0
Fund: 138		200	0	0	0	0	0
Total		200	0	0	0	0	0

CITY OF MODESTO  
 PROPOSED CAPITAL IMPROVEMENT PROGRAM  
 (IN THOUSANDS)

SCHEDULE I

CAPITAL FACILITY FEES  
 ADMINISTRATION FUND

FUND: 139

Project Name

Agency FY 89-90 FY 89-90  
 Priority Approved Unapproved FY 90-91 FY 91-92 FY 92-93 FY 93-Plus

TRANSFER TO GENERAL FUND

Agency Priority	FY 89-90 Approved	FY 89-90 Unapproved	FY 90-91	FY 91-92	FY 92-93	FY 93-Plus
001	58	0	0	0	0	0
	58	0	0	0	0	0
Fund: 139	58	0	0	0	0	0
Total	58	0	0	0	0	0

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-536

A RESOLUTION CHANGING THE NAME OF THE CUL-DE-SAC BUDD STREET TO MOUNT VERNON DRIVE AND CHANGING THE STREET NUMBERS IN BLOCK 1800 TO THE 2100 BLOCK IN THE CITY OF MODESTO.

WHEREAS, it is proposed to change the name of the cul-de-sac Budd Street, west of Prescott Road, to Mount Vernon Drive because it aligns with the existing Mount Vernon Drive east of Prescott Road, and

WHEREAS, the proposed name change will result in the necessity to change addresses to provide a logical addressing system to avoid confusion for emergency vehicles, and the street numbers should also be changed from the 1800 Block to the 2100 Block because Mount Vernon Drive already has an 1800 Block, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, City staff notified affected property owners and/or residents informing them of the formal proposed name change and requesting comments, and opposition to said proposed name change has not been received, and

WHEREAS, said matter was considered by the City Council at its meeting held at 4:30 .p.m. on May 9, 1989, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that it is desirable to change the name of the cul-de-sac Budd Street, west of Prescott Road, to Mount Vernon Drive, and

WHEREAS, the current City policy calls for street name changes to take effect 180 days from City Council action to allow residents enough time to make the necessary changes, such as notifying banks, friends, etc., and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to assist affected property owners and residents in connection with this matter,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the name of the cul-de-sac to be changed from Budd Street to Mount Vernon Drive is hereby approved.

BE IT FURTHER RESOLVED that the street numbers to be changed from the 1800 Block to the 2100 Block are approved as follows:

1801 A through F Budd Street to 2108 A through F Mount Vernon Drive

1803 A through D Budd Street to 2112 A through D Mount Vernon Drive

1809 A through D Budd Street to 2116 A through D Mount Vernon Drive

1813 A through E Budd Street to 2120 A through E Mount Vernon Drive

1825 A through E Budd Street to 2124 A through E Mount Vernon Drive

1829 A through D Budd Street to 2128 A through D Mount Vernon Drive

1835 A through E Budd Street to 2132 A through E Mount Vernon Drive

BE IT FURTHER RESOLVED as follows:

1. That the Public Works and Transportation Director is directed to install the new street name sign for Mount Vernon Drive.

2. That the City Clerk is directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy of this resolution to the Board of Supervisors, the County Clerk, and the County Surveyor of Stanislaus County.
3. That the Planning and Community Development Director is directed to implement the street name change procedures as set forth in City Council Policy No. 3.017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-537

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE OVERLAY OF VARIOUS CITY STREETS, 1989

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

SECTION 1. The plans and specifications for the overlay of various  
City streets, 1989

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 30, 1989, 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 9th day of May, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-538

A RESOLUTION AUTHORIZING NEW CALL FOR BIDS FOR INSTALLATION OF MCHENRY MANSION  
TRACK LIGHTING

WHEREAS, Resolution No. 89-454 adopted by the Council of the City of Modesto on April 4, 1989, approved the plans and specifications for the installation of McHenry Mansion track lighting, and authorized the call for bids; and

WHEREAS, bids were originally to be opened April 25, 1989, but no bids were received; and

WHEREAS, upon contacting various local electrical contractors they indicated with some modification to the specifications they would be interested in bidding the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the new call for bids for installation of McHenry Mansion track lighting, to be opened May 30, 1989, at 11:05 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-539

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE MOBILE PLATFORM/STAGE

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

SECTION 1. The plans and specifications for furnishing one mobile  
platform/stage

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 30, 1989, at 3:05 p.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 9th day of May, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-540

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING JANITORIAL SERVICE TO THE CENTRE PLAZA,  
HOUSING PROGRAM OFFICE, AND AMERICAN LEGION HALL

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

SECTION 1. The plans and specifications for furnishing janitorial service  
to the Centre Plaza, Housing Program Office, and American Legion Hall  
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 6, 1989, at 3:00 p.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 9th day of May, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-541

A RESOLUTION ACCEPTING THE BID OF EASTMAN, INC. FOR FURNISHING 8,000 IMPRINTED VINYL BINDERS

WHEREAS, Resolution No. 89-476 , adopted by the Council of the City of Modesto on April 11, 1989 , approved the plans and specifications for the purchase of imprinted vinyl binders

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of imprinted vinyl binders

were opened at 3:00 p.m. on May 2, 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 Eastman, Inc. in the amount of \$10,600 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Eastman, Inc. in the amount of \$10,600 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-542

A RESOLUTION ACCEPTING THE CONTRACT FOR PROJECT NO. 17, CURB, DRIVE APRONS AND SIDEWALKS AT VARIOUS LOCATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the contract for Project No. 17, curb, drive aprons and sidewalks at various locations

has been completed by Ace Concrete Service

in accordance with the contract agreement dated October 25, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the contract for Project No. 17, curb, drive aprons and sidewalks at various locations

be accepted from said contractor, Ace Concrete Service ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$96,417.25 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 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-543

A RESOLUTION ACCEPTING THE CONTRACT FOR JOHN THURMAN FIELD GRANDSTAND  
RENOVATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the contract for John Thurman Field grandstand renovation

has been completed by B & L Builders, Inc.

in accordance with the contract agreement dated September 6, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the contract for John Thurman  
Field grandstand renovation

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 \$125,906.74 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 9th day of May,  
19 89, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Sutton, was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-544

A RESOLUTION ACCEPTING THE CONTRACT FOR JOHN THURMAN FIELD WOMEN'S  
RESTROOM AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the contract for John Thurman Field Women's restroom

has been completed by B & L Builders, Inc.

in accordance with the contract agreement dated September 6, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the contract for John Thurman  
Field Women's restroom

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 \$112,958.50 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 9th day of May,  
1989, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Sutton, was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-545

A RESOLUTION ACCEPTING THE ALTERATIONS TO THE COMMUNITY SERVICE CENTER ON MORRIS AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the alterations to the Community Service Center on Morris Avenue has been completed by McDonald Glenn Company in accordance with the contract agreement dated December 20, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the alterations to the Community Service Center on Morris Avenue

be accepted from said contractor, McDonald Glenn Company ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$50,643 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 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-546

A RESOLUTION APPROVING PAYMENT OF \$173,600 TO JAMES M. MONTGOMERY CONSULTING ENGINEERS, INC., FOR THE CITY'S PORTION OF ITS PARTICIPATION IN COSTS FOR THE PILOT PLANT STUDY RELATING TO A SURFACE WATER TREATMENT PLANT PROJECT.

WHEREAS, the Modesto Irrigation District and the City of Modesto authorized, received, and accepted a Water Management Study prepared by James M. Montgomery Consulting Engineers, Inc., dated November 1984, and

WHEREAS, said Water Management Study recommended, in part, that the City of Modesto and Del Este Water Company contract with the Modesto Irrigation District for treated surface water to supplement their groundwater supplies, and

WHEREAS, by Resolution No. 89-354 adopted on February 21, 1989, the Council requested the Modesto Irrigation District to be the lead agency for the Modesto Surface Water Treatment Plant project, and

WHEREAS, the City of Modesto faces increasing uncertainty with regard to groundwater as the source for drinking water, and

WHEREAS, the James M. Montgomery Consultant's final report, dated March 1989, identifies a site near the Modesto Reservoir as the preferred site for a Modesto Surface Water Treatment Plant, and

WHEREAS, the Council of the City of Modesto at its meeting of May 9, 1989, by motion, accepted the James M. Montgomery Consultant's final report, dated March 1989, relating to the Modesto Surface Water Treatment Plant Study, and

WHEREAS, payment is due James M. Montgomery Consulting Engineers, Inc., in the amount of \$173,600 for the City's portion of its participation in costs of the Pilot Plant Study relating to a Modesto Surface Water Plant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$173,600 to James M. Montgomery Consulting Engineers, Inc., for the City's portion of its participation in costs of the Pilot Plant Study relating to a Modesto Surface Water Plant project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-547

A RESOLUTION APPROVING PAYMENT FOR A BOTANICAL SURVEY IN THE AMOUNT OF \$772 TO URS FOR THE CITY'S PORTION OF ITS PARTICIPATION IN COSTS OF THE EIR PROCESS FOR THE PILOT PLANT STUDY RELATING TO THE MODESTO SURFACE WATER TREATMENT PLANT PROJECT.

WHEREAS, the Modesto Irrigation District and the City of Modesto authorized, received, and accepted a Water Management Study prepared by James M. Montgomery Consulting Engineers, Inc., dated November 1984, and

WHEREAS, said Water Management Study recommended, in part, that the City of Modesto and Del Este Water Company contract with the Modesto Irrigation District for treated surface water to supplement their groundwater supplies, and

WHEREAS, by Resolution No. 89-354 adopted on February 21, 1989, the Council requested the Modesto Irrigation District to be the lead agency for the Modesto Surface Water Treatment Plant project, and

WHEREAS, the City of Modesto faces increasing uncertainty with regard to groundwater as the source for drinking water, and

WHEREAS, the James M. Montgomery Consultant's final report, dated March 1989, identifies a site near the Modesto Reservoir as the preferred site for a Modesto Surface Water Treatment Plant, and

WHEREAS, the Council of the City of Modesto at its meeting of May 9, 1989, by motion, accepted the James M. Montgomery Consultant's final report, dated March 1989, relating to the Modesto Surface Water Treatment Plant Study, and

WHEREAS, payment is due for a botanical survey in the amount of \$772 to URS for the City's portion of its participation in costs of the

environmental process for the Pilot Plant Study relating to the Modesto Surface Water Treatment Plant Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$772 to URS for the City's portion of its participation in costs of the Pilot Plant Study for the Modesto Surface Water Treatment Plant project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-548

A RESOLUTION APPROVING PAYMENT OF \$2,286 TO THE MODESTO IRRIGATION DISTRICT FOR THE CITY'S PORTION OF ITS PARTICIPATION IN COSTS FOR THE PILOT PLANT STUDY RELATING TO A SURFACE WATER TREATMENT PLANT PROJECT.

WHEREAS, the Modesto Irrigation District and the City of Modesto authorized, received, and accepted a Water Management Study prepared by James M. Montgomery Consulting Engineers, Inc., dated November 1984, and

WHEREAS, said Water Management Study recommended, in part, that the City of Modesto and Del Este Water Company contract with the Modesto Irrigation District for treated surface water to supplement their groundwater supplies, and

WHEREAS, by Resolution No. 89-354 adopted on February 21, 1989, the Council requested the Modesto Irrigation District to be the lead agency for the Modesto Surface Water Treatment Plant project, and

WHEREAS, the City of Modesto faces increasing uncertainty with regard to groundwater as the source for drinking water, and

WHEREAS, the James. M. Montgomery Consultant's final report, dated March 1989, identifies a site near the Modesto Reservoir as the preferred site for a Modesto Surface Water Treatment Plant, and

WHEREAS, the Council of the City of Modesto at its meeting of May 9, 1989, by motion, accepted the James M. Montgomery Consultant's final report, dated March 1989, relating to the Modesto Surface Water Treatment Plant Study, and

WHEREAS, payment is due the Modesto Irrigation District in the amount of \$2,286, said amount includes \$1,925 for setting up a trailer for the pilot plant on a site at the Modesto Reservoir and includes the amount of \$361 for reproduction of the final report, which amount of \$2,286 is the City's

portion for its participation in costs of the Pilot Plant Study relating to a Modesto Surface Water Plant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$2,286 to the Modesto Irrigation District for the City's portion for its participation in costs of the Pilot Plant Study relating to a Modesto Surface Water Plant project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-549

A RESOLUTION ACCEPTING FROM THE STATE OF CALIFORNIA THE GRAND STREET BRIDGE OVER DRY CREEK AND THE CONNECTING ROADWAY AS PART OF THE JENNIE-GRAND PROJECT, AND SUPERSEDING RESOLUTION NO. 85-848.

WHEREAS, the existing Dry Creek Bridge is of historic significance in the area of engineering at the State level, as determined by the Keeper of the National Register of Historic Places, and

WHEREAS, the bridge was designed by John Leonard, an early 20th Century designer recognized as the foremost proponent of reinforced concrete bridges in California, and

WHEREAS, the bridge has been determined to be representative of type (reinforced concrete filled spandrel arch bridge), period (first decade of the 20th century), method of construction (poured-in-place concrete utilizing built-up timber forms), and is the work of a master, and

WHEREAS, the City Council previously adopted Resolution No. 85-848 accepting the bridge over Dry Creek as part of the Jennie-Grand Project, and the State of California has now requested that the portion of Route 132 connecting the Dry Creek Bridge from Morton Boulevard to the proposed cul-de-sac at the Gallo Winery entrance be added to that prior acceptance.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council would be willing to accept the structure, including that portion of Route 132 connecting the Dry Creek Bridge from Morton Boulevard to the proposed cul-de-sac at the Gallo Winery entrance, subject to the provisions of the Streets and Highways Code Section 73 "Relinquishments", the portion of Route 132 to be accepted is shown on the attached Exhibit "A" and is approximately between Stations 15 + 70 and 21 + 56 on the line designated "Old Rte 132."

BE IT FURTHER RESOLVED that preservation and maintenance of the structure will be carried out in accordance with the recommended approaches in "The Secretary of Interior's Standards of Rehabilitation"; however, the California State Historic Preservation Officer may, for good cause, modify or cancel any or all of the foregoing restrictions upon written application of the City of Modesto.

BE IT FURTHER RESOLVED that this resolution shall supersede prior City Council Resolution No. 85-848.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

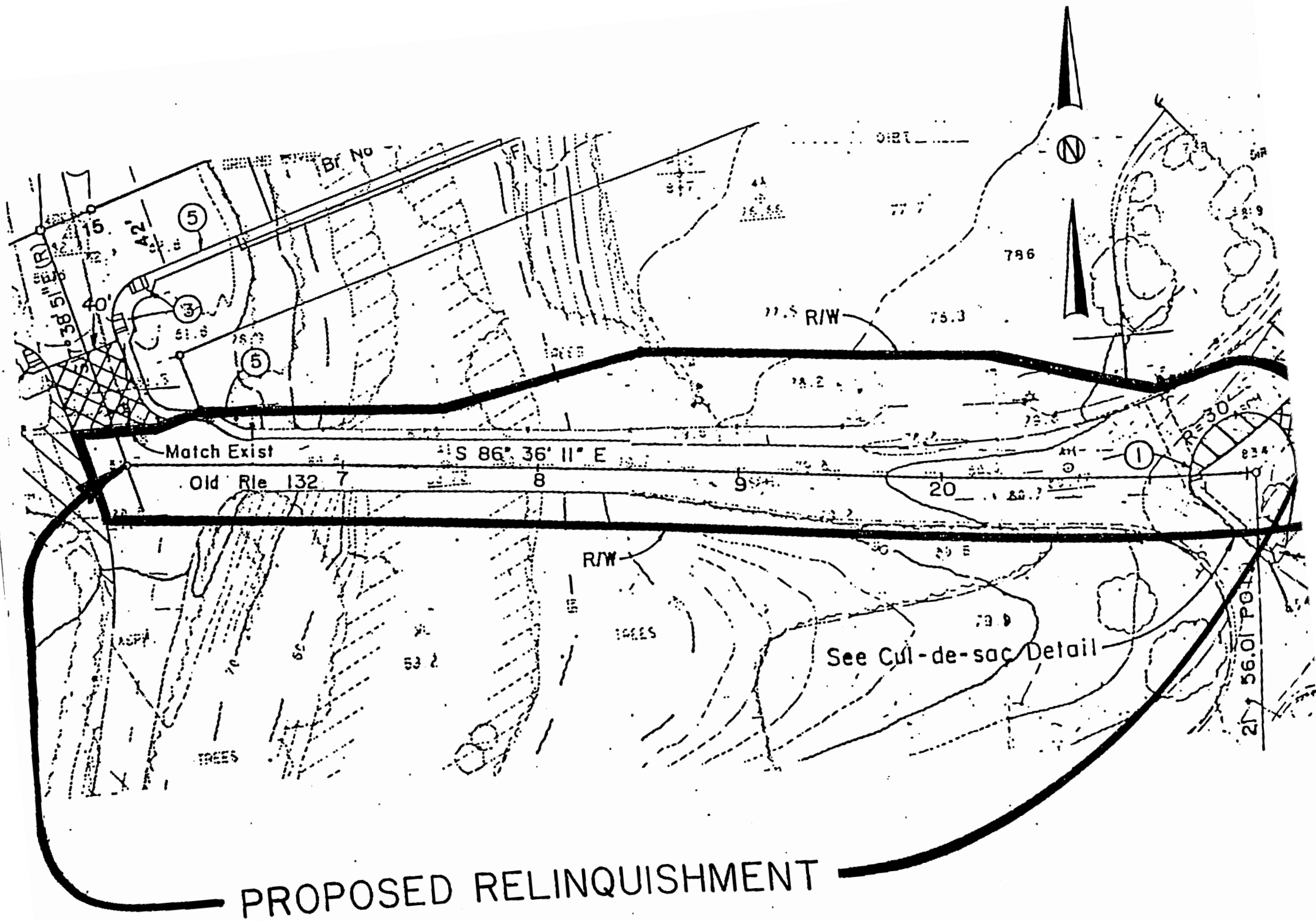


EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-550

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF 1989-90 PROPOSED BUDGET AND FOUR-YEAR CAPITAL IMPROVEMENT PROGRAM 1989-90 THROUGH 1992-93

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 13, 1989, 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 proposed 1989-90 budget and four-year Capital Improvement Program 1989-90 through 1992-93.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-551

A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS IN  
THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 88-142.

WHEREAS, Chapter 2 of Title III of the Modesto Municipal Code  
authorizes the City Council, by resolution, to establish one-way streets and  
alleys in the City of Modesto,

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

SECTION 1. ONE-WAY STREETS AND ALLEYS. One-way streets and alleys  
are hereby established at the following locations:

(a) One-way Streets:

5th Street, from Maze Boulevard to Sierra Drive  
(southerly direction)

6th Street, from E Street to M Street (northerly  
direction)

9th Street (northeast portion), from Tully Road to  
Clayton Avenue (northwesterly direction)

9th Street (southwest portion), from Tully Road to  
Clayton Avenue (southeasterly direction)

15th Street, from K Street to Needham Street  
(northwesterly direction)

17th Street, from G Street to J Street (southeasterly  
direction)

19th Street, from Burney Street to Downey Street  
(northwesterly direction)

Briggsmore Avenue (south portion), from Prescott  
Road to Oakdale Road (easterly direction)

Briggsmore Avenue (north portion), from Prescott  
Road to Oakdale Road (westerly direction)

Burney Street, from G Street to Scenic Drive  
(northerly direction)

Downey Avenue, from Burney Street to McHenry Avenue  
(westerly direction)

First Street, from G Street to H Street  
(southeasterly direction)

G Street, from First Street to Burney Street  
(northeasterly direction)

H Street, from First Street to Burney Street  
(southwesterly direction)

Haddon Avenue, from La Loma Avenue to Santa  
Barbara Avenue (easterly direction)

K Street, from 9th Street to Needham Street  
(northeasterly direction)

L Street from 9th Street to Needham Street  
(southwesterly direction)

La Loma Avenue, from Burney Street to H Street  
(northwesterly direction)

Sycamore Avenue (east portion), from Griswold  
Avenue to north side of Block 724 (northerly  
direction)

Sycamore Avenue (west portion), from Griswold  
Avenue to north side of Block 724 (southerly  
direction)

(b) One-way Alleys:

Between 1st and 2nd Streets, from H Street to G  
Street (southeasterly direction)

Between 2nd and 3rd Streets, from Washington  
Street to I Street (southeasterly direction)

Between 9th and 10th Streets, from I Street to K  
Street (southeasterly direction)

Between 10th and 11th Streets, from I Street to J  
Street (northwesterly direction)

Between 10th and 11th Streets, from 100 feet northwest of J Street to K Street (northwesterly direction)

Between 11th and 12th Streets, from I Street to J Street (southeasterly direction)

Between 11th and 12th Streets, from J Street to K Street (northwesterly direction)

Between 12th and 13th Streets, from I Street to K Street (northwesterly direction)

Between Locke Road and Downey High School, from Coffee Road to Brighton Avenue (easterly direction)

Between Locke Road and Lucern Avenue, from 275 feet east of Coffee Road and Sunnyside Avenue (easterly direction)

Between College and the TSRR Tracks, from Rumble to Leveland (southerly direction)

Between June Drive and Timothy Avenue, from Briggsmore Avenue to Judith Lane (southerly direction)

Between McHenry and Sherwood from 130 feet south of Leveland Lane to Leveland Lane (northerly direction)

Between McHenry and Timothy beginning 136 feet north of Granger and continuing northerly 285 feet (northerly direction)

Between Sheridan Street and Chicago Avenue, from Hudson Lane to Paradise Road (southeasterly direction)

Between Sutter and Alturas Avenues, Tuolumne Boulevard and Western Way, from Alturas Avenue to Sutter Avenue, (westerly direction)

SECTION 2. The provisions of this resolution shall become effective upon adoption and be in full force and operation when proper signs are posted by the Public Works and Transportation Department of the City of Modesto or the Department of Transportation of the State of California.

SECTION 3. The Public Works and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 4. Resolution No. 88-142 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-552

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT (No. 10-820) BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR CURB RAMP PROJECT ALONG ROUTE 108 (MCHENRY AVENUE) FROM NEEDHAM AVENUE TO ROSEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement (No. 10-820) between City of Modesto and State of California for curb ramp project along Route 108 (McHenry Avenue) from Needham Avenue to Roseburg 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 9th day of May, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-553

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE REVENUES AND APPROPRIATE FUNDS FOR A NEW PROJECT.

WHEREAS, a cooperative agreement between the City of Modesto and the State of California for a curb ramp project along Route 108 has been entered into providing that each will share equally in project costs, excluding engineering costs which will be borne entirely by the State, and

WHEREAS, the City's portion of the cost will be provided by an interfund transfer from the CDBG Housing Fund,

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 1988-89:

<u>Fund/Agy/Org/Object</u> <u>Expenditures</u>	<u>Description</u>	<u>Increase</u> <u>(Decrease)</u>
070/430/G795/6000	McHenry Curb Ramps (State/CDBG)	\$ 98,600
111/700/7000/7070	Transfer out to Fund 070	\$ 42,500
111/800/8000/8003	Contingency Reserve CDBG Fund	\$(42,500)

Revenues

070/510/9510/3138	State Share of Street Project	\$56,100
070/700/7000/9111	Transfer in from Fund 111	\$42,500

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 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, and 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. 89-554

A RESOLUTION AUTHORIZING THE CULTURE COMMISSION TO PRESENT CERTIFICATES TO PROPERTY OWNERS WHO IMPROVE THEIR PROPERTY AND MAKE IT A VISUAL ASSET TO THE COMMUNITY.

WHEREAS, the Modesto Culture Commission has requested the approval of the Modesto City Council to conduct a program designed to say thank you to individuals or groups who make improvements to their property which makes it a visual asset to the community at large, and

WHEREAS, a \$300 budget for awards is needed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a program designed to say thank you to individuals or groups who make improvements to their property which makes it a visual asset to the community at large.

BE IT FURTHER RESOLVED that the Council hereby approves a \$300 budget for awards.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-555

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR PROPOSED AMENDMENT TO THE GENERAL PLAN MAP TO INCLUDE AN ELEMENTARY SCHOOL IN THE ORCHARD NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 1989, 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 proposed amendment to the General Plan Map to include an elementary school in the Orchard Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-556

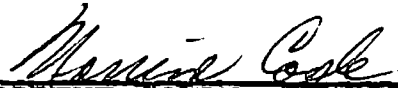
A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR PROPOSED AMENDMENT TO THE GENERAL PLAN MAP TO INCLUDE A JUNIOR HIGH SCHOOL IN THE BRET HARTE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 1989, 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 proposed amendment to the General Plan Map to include a junior high school in the Bret Harte Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-557

A RESOLUTION AUTHORIZING APPROVAL TO PROCEED WITH RECONSTRUCTION OF MANCINI BAND HALL ON THE EXISTING LOCATION ON THE 9-HOLE MUNICIPAL GOLF COURSE.

WHEREAS, the Modesto Rotary Club has requested approval from the City Council to reconstruct the Mancini Band Hall on the location of the existing hall on the 9-Hole Municipal Golf Course, and

WHEREAS, the new facility would replace the old existing Mancini Band Hall and provide a home and rehearsal place for Mo-Band and The Modesto Symphony, and

WHEREAS, the new facility would also provide a senior service center in that part of the community operated by the Stanislaus County Area Agency on Aging, and

WHEREAS, there would be no cost to the City for the reconstruction or operation of the facility, and

WHEREAS, the agencies involved in constructing the new facility would be the Modesto Rotary Club and the Stanislaus County Area Agency on Aging, and

WHEREAS, the Stanislaus County Area Agency on Aging, The Modesto Symphony, Mo-Band, and others will be users of the facility, and

WHEREAS, the City Council desires to authorize the request for said reconstruction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request from the Modesto Rotary Club to reconstruct the Mancini Band Hall on the location of the existing hall on the 9-Hole Municipal Golf Course.

BE IT FURTHER RESOLVED that an agreement should be prepared with the Modesto Rotary Club with the understanding that no City funds will be involved in the reconstruction or for ongoing operations of the Mancini Band Hall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-558

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(JERRY MATSUNAGA)

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:

Jerry T. Matsunaga  
820 Sylvan Meadows Dr.  
Modesto, Ca. 95356

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 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 9th day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lang

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-559

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(300), AS AN ADDITION TO P-D(300). (SCENIC NURSERY)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Scenic Nursery on February 23, 1989, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, as an addition to P-D(300), to allow expansion of Scenic Nursery, property located on the west side of Sunnyside Avenue north of Scenic Drive, described as follows:

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

Lot 24 of Sunnyside Acres, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on May 24, 1911, in Volume 5 of Maps, at page 45.

and

WHEREAS, after a public hearing held on April 17, 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. 89-51, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed rezoning is an expansion of an existing nursery facility and is designed to be compatible with surrounding properties in terms of existing and potential developments.
2. A nursery is an atypical commercial use distinguished by a lower intensity of use and requirement for a relatively greater land area.
3. The expansion area is primarily for parking and outdoor display of plant materials.

and

WHEREAS, after a public hearing held on May 16, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Scenic Nursery for an addition to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-51 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2667-C.S. on the 16 day of May, 1989, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(300), as an addition to P-D(300).

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(300), as an addition to P-D(300), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Proposed Expansion of Scenic Nursery P-D(300)" as amended in red, stamped approved by the Planning Commission on April 17, 1989.
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 portions of the west and southwest property line as indicated on the plans. 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:

Eight-foot double-sided wood fence around periphery. Masonry pilasters shall be installed along portions of the west and southwest property lines as indicated on the approved plans.
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 Sunnyside Avenue to collector street standards. 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. The Sunnyside Avenue frontage shall be improved to collector street standards prior to the occupancy of the expansion area 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 issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Sunnyside Avenue frontage. The number shall be as determined by the Public Works and Transportation Director.
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.
14. All signs shall comply with the sign requirements of the C-1 Zone.
15. All conditions of City Council Resolution No. 81-238 not in conflict with this action shall remain in full force and effect.

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(300), as an addition to P-D(300):

The entire construction program be accomplished in one phase, construction to begin on or before April 17, 1991, and completion to be not later than April 17, 1992.

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 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(300), as an addition to P-D(300), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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

APPROVED AS TO DESCRIPTION:

By [Signature]  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-560

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 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-D(300) AS AN ADDITION TO P-D(300). (SCENIC NURSERY)

WHEREAS, on May 16, 1989, the City Council introduced Ordinance No. 2667-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 Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(300), as an addition to P-D(300), property located on the west side of Sunnyside Avenue north of Scenic 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 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(300), as an addition to P-D(300), property located on the west side of Sunnyside Avenue north of Scenic Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 89-561

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 14-3-9 AND 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO R-1. (PLANNING COMMISSION INITIATED)

WHEREAS, on May 16, 1989, the City Council introduced Ordinance No. 2668 -C.S. giving approval to a project relating to an amendment to Section Map 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the east side of Walnut Crest Way south of Merle Avenue and north of Briggsmore 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 14-3-9 and 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the east side of Walnut Crest Way south of Merle Avenue and north of Briggsmore Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, 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. 89-562

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE SALE OF TWO PARCELS OF EXCESS LAND ON  
BRIGHTON AVENUE

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

SECTION 1. The plans and specifications for the sale of two parcels  
of excess land on Brighton 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 July 18, 1989, 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 16th day of May, 1989,  
by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-563

A RESOLUTION AUTHORIZING NEW CALL FOR BIDS FOR CONSTRUCTION OF THE MCHENRY MANSION MASONRY WALL

WHEREAS, Resolution No. 89-374 adopted by the Council of the City of Modesto on February 28, 1989, approved the plans and specifications for the construction of the McHenry Mansion masonry wall, and authorized the call for bids; and

WHEREAS, bids were originally to be opened March 21, 1989, but no bids were received; and

WHEREAS, upon contacting various local fencing contractors, it has been determined that if the specifications were revised to allow additional alternates and the project rebid, they would be willing to submit bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the new call for bids for construction of the McHenry Mansion masonry wall, to be opened May 30, 1989, at 11:10 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 May, 1989, by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-564

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW TRUCK CAB AND CHASSIS

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 cab and chassis

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 6, 1989, at 3:00 p.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 May, 1989,  
by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-565

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW GAS POWERED AIR COMPRESSOR

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  
gas powered air compressor

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 6, 1989, at 3:05 p.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 May, 1989,  
by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-566

A RESOLUTION ACCEPTING THE BID OF SHAPE, INC. FOR FURNISHING ONE SUBMERSIBLE PUMP AND DRIVER

WHEREAS, Resolution No. 89-437 , adopted by the Council of the City of Modesto on March 28, 1989 , approved the plans and specifications for the purchase of one submersible pump and driver

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one submersible pump and driver were opened at 3:05 p.m. on April 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 Shape, Inc. in the amount of \$37,118 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Shape, Inc. in the amount of \$37,118 be accepted and the execution of a contract by the City's designated officials be authorized.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May , 1989 , by Councilmember Sutton , 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF B & J ENTERPRISES FOR FURNISHING TWO INFRARED HEARING AUGMENTATION SYSTEMS

WHEREAS, Resolution No. 89-438 , adopted by the Council of the City of Modesto on March 28, 1989 , approved the plans and specifications for the purchase of infrared hearing augmentation systems

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of infrared hearing augmentation systems

were opened at 3:00 p.m. on April 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 B & J Enterprises in the amount of \$19,341 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of B & J Enterprises in the amount of \$19,341 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May , 1989 , by Councilmember Sutton , 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF AIRMATIC SYSTEMS INTERNATIONAL FOR  
FURNISHING A PNEUMATIC PRUNING SYSTEM

WHEREAS, Resolution No. 89-501 , adopted by the Council of the City of Modesto on April 25, 1989 , approved the plans and specifications for the purchase of a pneumatic pruning system

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of a pneumatic pruning system

were opened at 3:00 p.m. on May 9, 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 Airmatic Systems International in the amount of \$7,393.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Airmatic Systems International in the amount of \$7,393.50 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May , 1989 , by Councilmember Sutton , 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-569

A RESOLUTION ACCEPTING THE HIGHWAY VILLAGE STREET AND STORM DRAIN IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Highway Village street and storm drain improvements

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated September 6, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Highway Village street and  
storm drain improvements

be accepted from said contractor, Western Stone Products, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$216,204.36 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 16th day of May,  
1989, by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-570

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. & MRS. NORMAN ONKST PROVIDING FOR TIME PAYMENTS FOR SEWER CONNECTION FEES AND IMPROVEMENTS TO THE PROPERTY LOCATED AT 2713 VENEMAN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. & Mrs. Norman Onkst, providing for time payments for sewer connection fees and improvements to the property located at 2713 Veneman 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 May, 19 89, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-571

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ELMO E. AND BERTHA C. WILSON TO PURCHASE PROPERTY FOR THE POLICE FACILITIES EXPANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elmo E. and Bertha C. Wilson to purchase property for the Police facilities expansion

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1989, by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside,

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-572

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO & EMPIRE TRACTION COMPANY TO INCREASE ITS SHARE OF THE MORTON BOULEVARD TRESTLE MODIFICATION PROJECT COSTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto & Empire Traction Company to increase its share of the Morton Boulevard trestle modification project costs 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 16th day of May, 1989, by Councilmember Sutton , 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-573

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 13, 1989, 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 reports by the Superintendent of Streets on the cost of construction of improvements as described in such reports.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

## CURB AND SIDEWALK LIST

- a. Curb and sidewalk along Monterey Avenue and Santa Cruz Avenue at 802 Santa Cruz Avenue, Lot 7 of Block 2071. (Roy E. Chipps, \$3,763.00)
- b. Curb and sidewalk at 1316 Monterey Avenue, Lot 6 of Block 2071. (Ruben Morales, \$1,214.00)
- c. Curb and sidewalk at 1320 Monterey Avenue, Portion of Block 2071. (Shirley Garrity, \$1,425.00)
- d. Curb and sidewalk at 1324 Monterey Avenue, Lot 4 of Block 2071. (Donna M. Durling, \$1,230.00)
- e. Curb and sidewalk at 1328 Monterey Avenue, Lot 3 of Block 2071. (Rodney C. and Marcia A. Bonnell, \$1,264.00)
- f. Curb and sidewalk at 1336 Monterey Avenue, Lot 2 of Block 2071. (Richard Hodnett, \$2,034.00)
- g. Curb and sidewalk along Monterey Avenue at 1402 Monterey Avenue, Lot 27 of Block 2110. (Odilon V. and Guillermina Rodriquez, \$1,797.00)
- h. Curb and sidewalk at 1414 Monterey Avenue, Lot 25 of Block 2110. (Elma A. Blakely, \$1,130.00)
- i. Curb and sidewalk along Monterey Avenue at 1418 Monterey Avenue, Lot 1 and 2 of Block 2110. (Fred and Juanita Sullivan, \$2,167.00)
- j. Curb and sidewalk along Monterey Avenue at 1502 Monterey Avenue, Lot 1 of Block 2111. (Mark L. Morphy, \$1,452.00)
- k. Curb and sidewalk at 1508 Monterey Avenue, Lot 2 of Block 2111. (Effie Beeks, \$1,434.00)
- l. Curb and sidewalk at 1516 Monterey Avenue, Lot 3 of Block 2111. (Creed J. Rone, \$1,157.00)
- m. Curb and sidewalk along Monterey Avenue at 1634 Monterey Avenue, Portion of Block 2114. (Efiginia Irizarry, \$2,011.00)
- n. Curb and sidewalk along Monterey Avenue at 1708 Monterey Avenue, Lots 13 and 14 of Block 2142. (Joel Zuniga, \$3,069.00)
- o. Curb and sidewalk at 1710 Monterey Avenue, Lot 15 of Block 2142. (John Valdez, \$1,009.00)
- p. Curb and sidewalk at 1714 Monterey Avenue, Lot 16 of Block 2142. (Roberto G. Bautista, \$1,419.00)
- q. Curb and sidewalk at 1718 Monterey Avenue, Lot 17 of Block 2142. (Manuel A. Madrigal, \$1,253.00)

- r. Curb and sidewalk at 1726 Monterey Avenue, Lot 19 of Block 2142. (Francisco C. Avila, \$1,367.00)
- s. Curb and sidewalk at 1730 Monterey Avenue, Lot 20 of Block 2142. (Nancy Griffith, \$1,168.00)
- t. Curb and sidewalk at 1734 Monterey Avenue, Lot 21 of Block 2142. (Jose G. Salas, \$1,279.00)
- u. Curb and sidewalk at 1738 Monterey Avenue, Lot 22 of Block 2142. (Harlin Harris, \$1,292.00)
- v. Curb and sidewalk at 1742 Monterey Avenue, Lot 23 of Block 2142. (Joe R. Murray, \$1,226.00)
- w. Curb and sidewalk along Monterey Avenue at 1746 Monterey Avenue, Lot 24 of Block 2142. (Jaime Fonseca, \$1,495.00)
- x. Curb and sidewalk along Monterey Avenue at 1307 Monterey Avenue, Portion of Block 4. (Ronald A. Resh, \$1,475.00)
- y. Curb and sidewalk at 1311 Monterey Avenue, Portion of Block 4. (Lloyd Briscoe, \$1,391.00)
- z. Curb and sidewalk at 1319 Monterey Avenue, Portion of Block 4. (Alvya A. Stohler, \$1,040.00)
- aa. Curb and sidewalk along Monterey Avenue at 747 Kerr Avenue, Lot 13 of Block 2076. (Guadalupe Espinoza, \$3,213.00)
- bb. Curb and sidewalk along Monterey Avenue at 1501 Monterey Avenue, Portion of Block 2108. (Jerry D. Reese, \$2,120.00)
- cc. Curb and sidewalk at 1507 Monterey Avenue, Portion of Block 2108. (Robbins Zandy Investors, \$1,325.00)
- dd. Curb and sidewalk along Monterey Avenue at 747 Thrasher Avenue, Lot 13 of Block 2108. (Leo Tharp, \$3,240.00)
- ee. Curb and sidewalk along Monterey Avenue at 1611 Monterey Avenue, Lots 14 and 15 of Block 2116. (Bipan K. Kochhar, \$4,583.00)
- ff. Curb and sidewalk along Monterey Avenue and along Empire Avenue at 1711 Monterey Avenue, Portion of Block 2141. (Abelardo and Marie Morales and Fredrick and Diane Morales, \$4,884.00)
- gg. Curb and sidewalk along Monterey Avenue at 1719 Monterey Avenue, Portion of Block 2141. (Robert J. Meisenbach, \$3,737.00)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-574

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FROM BRIDGE DESIGN ENGINEERS FOR THE DESIGN OF THE CLAUS ROAD BRIDGE WIDENING PROJECT AND SIGNALIZATION OF THE CLAUS/SCENIC INTERSECTION.

WHEREAS, the future construction of a new high school as well as development in the Yosemite Neighborhood will increase the need for a wider bridge and improved intersection at Claus and Scenic Roads, and

WHEREAS, Claus Road is part of a proposed expressway to be 132 feet wide, and even if not installed, the bridge needs to be widened to at least major street width standards, and

WHEREAS, the City of Modesto desires to authorize City staff to request proposals from Bridge Design Engineers for the design of the Claus Road Bridge Widening project and Signalization of the Claus/Scenic intersection,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from Bridge Design Engineers for the design of the Claus Road Bridge Widening project and Signalization of the claus/Scenic intersection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1989, by Councilmember Sutton, 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, McGrath, Sutton, 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. 89-575

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROGER ERNST & ASSOCIATES TO AUCTION PARTIAL EQUIPMENT AND INVENTORY OF THE HAPPY BAKE SHOP, WHICH IS IN DEFAULT BY BANKRUPTCY ON A CITY BUSINESS LOAN UNDER THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Roger Ernst & Associates to auction partial equipment and inventory of the Happy Bake Shop, which is in default by bankruptcy on a City business loan under the Economic Development Revolving Loan Fund be, and it is hereby approved.

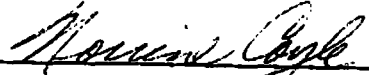
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1989, by Councilmember Sutton, 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, McGrath, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-576

A RESOLUTION APPROVING THE REQUEST BY THE BEYER HIGH SCHOOL COLONIAL MARCHING BAND AND COLORGUARD FOR DIRECT CITY ASSISTANCE FOR A BAND TRIP TO WASHINGTON, D. C. IN JUNE 1989.

WHEREAS, by letter dated May 8, 1989, from Wanda Mathews, President Beyer Band Boosters and Gary P. Gilroy, Director of Bands for the Beyer High School Colonial Marching Band and Colorguard, request has been made for direct city financial assistance to defray costs of sending the Beyer High School Colonial Marching Band and Colorguard on a band trip to Washington, D. C. in June 1989, 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 has reviewed said policy and finds said request to be in conformance with said policy and in addition finds it appropriate to grant approval for Direct City Assistance to the Beyer High School Colonial Marching Band and Colorguard, for a band trip to Washington, D. C., in June 1989,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request by the Beyer High School Colonial Marching Band and Colorguard for direct city financial assistance for a band trip to Washington, D. C. in June 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 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, McGrath, Patterson, Sutton,  
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. 89-577

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOURTEENTH YEAR APPLICATION, JULY 1, 1989 TO JUNE 30, 1990, 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 1989-90.

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 1989-90 will be \$1,157,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, and 1988 Rental Rehabilitation funding in the amount of \$406,000 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 1989-90 Community Development Objectives and Budget, and

WHEREAS, a notice of a public meeting to be held on November 16, 1988, 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 1989-90, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on November 21, 1988, and

WHEREAS, requests for funding were presented by organizations to the Citizen Advisory Committee on February 9, 1989, and

WHEREAS, a report was presented to the Council on all requests for funding, and all City proposed programs on February 28, 1989, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the Final Statement of Objectives and Budget on April 14, 1989 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

WHEREAS, at its meeting on May 2, 1989, the Council continued its consideration of the 1989-90 Community Development Block Grant Fourteenth Year Application, the Final Statement of Community Development Objectives and the Budget for the Program Year 1989-90 to its meeting of May 23, 1989 at 7:30 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1989-90 Community Development Block Grant Program Application, save and except for IV. D., United Way/Senior Aides, for the fourteenth fiscal year, from July 1, 1989 to June 30, 1990.

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 1989-90.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

050289

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-578

A RESOLUTION ADDING THE UNITED WAY/SENIOR AIDES PROGRAM TO THE LIST OF NON-PROFIT ORGANIZATIONS TO RECEIVE FUNDING UNDER PUBLIC SERVICES OF THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

WHEREAS, on May 23, 1989, by Resolution No. 89-577, the City Council adopted the 1989-90 Community Development Block Grant fourteenth year application, save and except for the United Way/Senior Aides Project, and

Whereas, the United Way/Senior Aides Project was recommended by the Citizens Housing and Community Development Committee at their meeting on May 12, 1989, to the City Council for adoption in the 1989-90 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, and

WHEREAS, at its meeting on May 2, 1989, the Council continued its consideration of the 1989-90 Community Development Block Grant Fourteenth Year Application, the Final Statement of Community Development Objectives and the Budget for the Program Year 1989-90 to its meeting of May 23, 1989 at 7:30 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby add The United Way/Senior Aides Project to the 1989-90 Community Development Block Grant Application as adopted by Council Resolution No. 89-577, and that said United Way/Senior Aides Project is hereby added to the Public Services category in said application as approved by Resolution No. 89-577.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

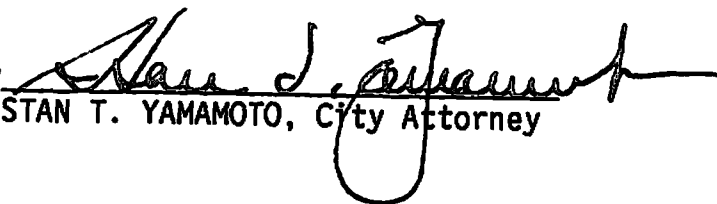
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-579

A RESOLUTION ADOPTING AMENDMENTS TO THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE LAND USE AND CIRCULATION ELEMENTS MAP AND TEXT, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE CITY COUNCILS OF THE CITIES OF CERES AND RIVERBANK.

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 (Circulation Element)

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, as recommended by the Planning Commission said General Plan was amended by the Modesto City Council on July 25, 1977, by Resolution No. 77-765 to change the designation of the Orchard Park Neighborhood from Urban Reserve to urban uses, and

WHEREAS, the Planning Commission adopted Resolution No. 77-186 on October 18, 1977, approving a 10-acre elementary school site, a 5-acre neighborhood park site, and a 7.7-acre storm water retention basin site within the Orchard Neighborhood, and

WHEREAS, the Planning Commission, adopted Resolution No. 80-124, on May 19, 1980, to amend the General Plan to delete an elementary school designation as the Sylvan Union School District indicated it did not feel it was necessary to build a school in the Orchard Neighborhood, and

WHEREAS, the Planning Commission adopted Resolution No. 88-26 at a special meeting on March 7, 1988, to recommend denial of the request of the Sylvan Union School District to build an elementary school on a portion of the Orchard Neighborhood park site, and

WHEREAS, the City Council by Resolution No. 88-269 upheld the Planning Commission's recommendation on April 12, 1988, based upon neighborhood opposition and on inconsistency with the Open Space and Recreation Element of the General Plan, and

WHEREAS, a Notice of Determination for the proposed school site was filed on February 22, 1989, after a Sylvan Union School District Board action to approve a Negative Declaration on February 21, 1989 in compliance with the California Environmental Quality Act, and

WHEREAS, the Planning Commission by Resolution No. 89-55, adopted on April 17, 1989, has approved and recommended to the City Council that the General Plan Map should be amended to include an elementary school site in the Orchard Neighborhood, and

WHEREAS, the City Council held a public hearing on said amendment, as approved and recommended by the Planning Commission, on May 23, 1989, at 7:30 p.m., in the City Council Chambers, in City Hall, Modesto, California, as required by law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the adoption of an amendment to the General Plan Map be amended in the public interest for the following reasons:

1. Adoption of proposed amendment will assure that the Orchard Neighborhood shall be served by adequate elementary school facilities and negate the need for students in this neighborhood to be bused elsewhere.

2. Adoption of proposed amendment is consistent with the Land Use Element of the General Plan which sets forth objectives, principles and implementation guidelines for public facilities, including schools.

BE IT FURTHER RESOLVED by the Council that it does hereby adopt an amendment to the Modesto Area General Plan Map to include a school site in the Orchard Neighborhood as approved by the Planning Commission, as shown on the attached Exhibit "A" which is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

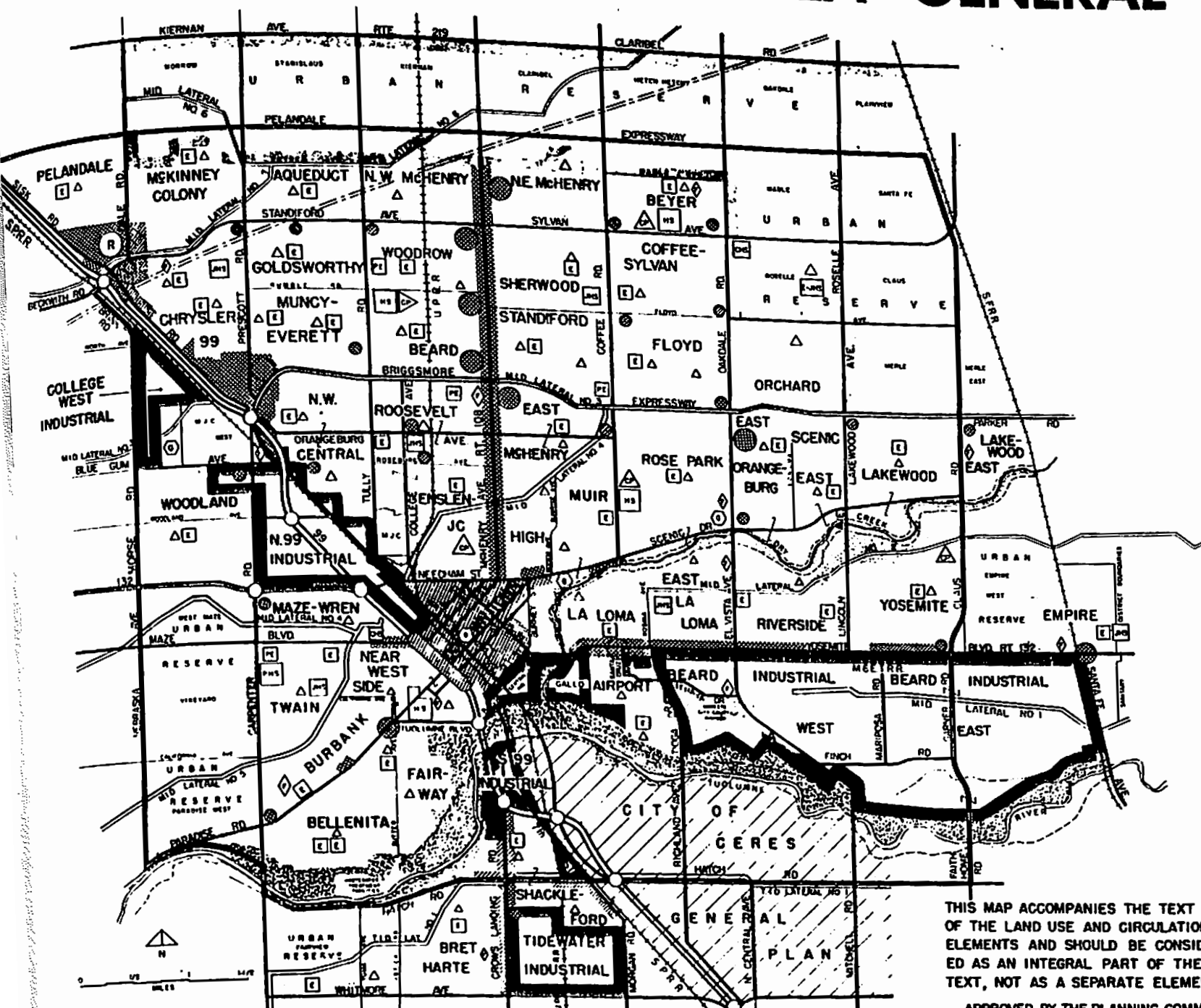
(SEAL)

APPROVED AS TO FORM:

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

# MODESTO URBAN AREA GENERAL PLAN

EXHIBIT "A"



- 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**
- FREWAYS (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 JAN. 4, 1988

APPROVED BY THE CITY COUNCIL  
ON FEB. 23, 1988

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-580

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR CURB RAMPS - PROJECT NO. 6, TO COMPLETE THE RE-  
MAINING PORTION OF MCHENRY AVENUE FROM NEEDHAM AVENUE TO ROSEBURG  
AVENUE

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

SECTION 1. The plans and specifications for curb ramps - Project No. 6,  
to complete the remaining portion of McHenry Avenue from Needham Avenue to Roseburg  
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 13, 1989, 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 May, 1989,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-581

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE EXTENSION OF WATERLINE ON WALKER AVENUE

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

SECTION 1. The plans and specifications for the extension of the water-  
line on Walker 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 June 6, 1989, 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 May, 1989,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-582

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING HEATING, VENTILATING AND AIR CON-  
DITIONER MAINTENANCE SERVICE TO THE CENTRE PLAZA

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

SECTION 1. The plans and specifications for furnishing heating, ventilating  
and air conditioner maintenance service to the Centre Plaza  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on June 20, 1989, at 3:00 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 May, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-583

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT SIX INTERSECTIONS  
TO ALLOW FOR TIME-BASED COORDINATION FOR THE FETSIM PROJECT

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

SECTION 1. The plans and specifications for traffic signal modifications at six intersections to allow for time-based coordination for the FETSIM Project copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1989, 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 May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-584

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES FOR THE DRY CREEK GOLF COURSE CLUBHOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates, Inc., for architectural services for the Dry Creek Golf Course clubhouse

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May , 19 89 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-585

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1988-89 TO PROVIDE FOR A TEMPORARY LOAN OF \$9,000.00 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO FINANCE AN ARCHITECTURAL STUDY.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an advance from the General Fund (Fund No. 010) to finance an architectural study in conjunction with the Dry Creek Golf Course project to evaluate the existing residential structure for use as the clubhouse, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1988-89 to amend the General Fund (Fund No. 010) to provide the advance of \$9,000.00 to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$9,000.00 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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 23rd day of May, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-586

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTKIEWICZ, KRONIK AND SHANAHAN AS SPECIAL COUNSEL FOR THE SURFACE WATER TREATMENT AND DELIVERY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bartkiewicz, Kronik & Shanahan as special counsel for the M.I.D. - City of Modesto - Del Este Surface Water Treatment and Delivery Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May , 19 89 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-587

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND Z & A FOODS, INC. TO DETERMINE ACREAGE FOR CALCULATION OF SEWER BOND REDEMPTION CHARGES FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GARNER ROAD AND LOCKRON ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Z & A Foods, Inc. to determine acreage for calculation of sewer bond redemption charges for property located at the northeast corner of Garner Road and Lockron Road based on criteria set forth in Section 5-6.04 of the Modesto Municipal Code be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-588

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 (THIRD 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 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-589

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HERBERT BROWNLEE, JR. AND LOIS I. BROWNLEE FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1349 WALKER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Herbert Brownlee, Jr., and Lois I. Brownlee for water service to property outside City limits at 1349 Walker Avenue, located on the south end of Walker Avenue, south of 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 23rd day of May , 19 89 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-590

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACE WALKER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1401-1401½ WALKER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grace Walker for water service to property outside City limits at 1401-1401½ Walker Avenue, located on the west side of Walker Avenue, south of 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 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-591

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACE WALKER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1403 WALKER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grace Walker for water service to property outside City limits at 1403 Walker Avenue, located on the west side of Walker Avenue, south of 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 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-592

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACE WALKER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1405 WALKER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grace Walker for water service to property outside City limits at 1405 Walker Avenue, located on the west side of Walker Avenue, south of 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.

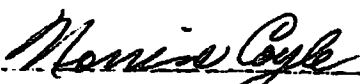
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-593

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACE WALKER FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1407 WALKER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grace Walker for water service to property outside City limits at 1407 Walker Avenue, located on the west side of Walker Avenue, south of 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.

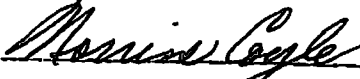
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 19 89, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-594

**A RESOLUTION APPROVING APPROPRIATION TRANSFER \$1,000 FROM GENERAL RESERVE TO PROVIDE FOR CONFERENCE EXPENSES AND RELATED EXPENSES FOR THE MAYOR OF VERNON, B.D., AND FOR RETURN AIR FARE FOR A SOVIET EXCHANGE TEACHER**

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

FROM: General Fund Reserves \$1,000  
(010 800 8000 8003)

TO: International Friendship Committee \$1,000  
(010 502 6502 0444)

Funds are needed for unanticipated conference expenses, costs related to the visit of Mayor Clark, Vernon, B.C. to Modesto, and to fund the return trip to New York for the Soviet exchange teacher.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-595

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 \$3,597,160 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 \$3,597,160 for the fiscal year 1989-90 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-596

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND DOWLING TRANSPORTATION ENGINEERING (DTE) TO PROVIDE ADDITIONAL CONSULTING SERVICES IN THE DEVELOPMENT OF CAPITAL FACILITIES FEES FOR TRAFFIC IMPACTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Dowling Transportation Engineering (DTE) to provide additional consulting services in the development of Capital Facilities Fees for traffic impacts 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 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 89-597**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$16,850 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR ADDITIONAL CONSULTING SERVICES IN CONJUNCTION WITH TRAFFIC IMPACT ANALYSES AS THEY RELATE TO CAPITAL FACILITIES FEES**

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

<b>FROM:</b>	<b>Contingency Reserve (136 800 8000 8003)</b>	<b>\$16,850</b>
<b>TO:</b>	<b>Traffic Model Project (136 160 P748 6000)</b>	<b>\$16,850</b>

To provide funding for additional consulting services by Dowling Transportation Engineering in conjunction with traffic impact analyses as they relate to Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-598

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$10,000 TO CONTRIBUTE ONE-HALF OF THE COST TO RESURFACE THE MODESTO JUNIOR COLLEGE SWIMMING POOL**

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

FROM:	Swimming Pool Repairs	\$9,000
	(130 310 G317 6000.50)	
	Picnic Units,Lights,Sprinklers	1,000
	(130 310 P307 6000.50)	
TO:	MJC Pool Resurfacing	\$10,000

The Yosemite Community College District has requested that the City of Modesto contribute one-half of the cost to resurface the swimming pool at the Modesto Junior College.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 19 89, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-599

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND SUPERSEDING RESOLUTION NO. 88-531.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

Hangar No. A . . . . .	\$77.00 per unit per month.
End Units . . . . .	\$91.00 per unit per month.
Hangar No. B . . . . .	\$96.00 per unit per month.
End Units . . . . .	\$116.00 per unit per month.
Hangar No. C . . . . .	\$99.00 per unit per month.
End Units . . . . .	\$120.00 per unit per month.
Hangar No. D . . . . .	\$89.00 per unit per month.
End Units . . . . .	\$105.00 per unit per month.
Hangar No. E . . . . .	\$131.00 per unit per month.
End Units . . . . .	\$153.00 per unit per month.
Hangar No. F . . . . .	\$131.00 per unit per month.
End Units . . . . .	\$153.00 per unit per month.

Hangar No. G . . . . . \$131.00 per unit per month.  
 Hangar No. H . . . . . \$131.00 per unit per month.  
 Hangar No. J . . . . . \$131.00 per unit per month.

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1 . . . . \$1,425.00 per month (\$.095 per square foot per month) plus office space at \$.25 per square foot per month  
 Hangar No. 2 . . . . \$ 570.00 per month (\$.095 per square foot per month) plus office space at \$.25 per square foot per month  
 Hangar No. 3 . . . . \$ 378.00 per month (\$.105 per square foot per month) plus office space at \$.25 per square foot per month  
 Hangar No. 4 . . . . \$ 504.00 per month (\$.105 per square foot per month) plus office space at \$.25 per square foot per month  
 Hangar No. 5 . . . . \$ 630.00 per month (\$.105 per square foot per month) plus office space at \$.25 per square foot per month  
 Hangar No. 6 . . . . \$ 378.00 per month (\$.105 per square foot per month) plus office space at \$.25 per square foot per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) \$30.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$61.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.02 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, light single-engine aircraft (under 12,500 lbs) \$2.00 per day.
- (e) Taxi-in Tie-Down - Transient, light multi-engine aircraft (under 12,500 lbs) \$4.00 per day.
- (f) Taxi-in Tie-Down - Transient, large multi-engine aircraft (over 12,500 lbs) \$6.00 per day.
- (g) Taxi-in Tie-Down - Transient, large four-engine aircraft (over 12,500 lbs) \$8.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-downs of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Office Building No. 1 . . . . . \$539.00 per month.
- (b) Office Building No. 2,  
Suite A . . . . . \$260.00 per month.
- (c) Office Building No. 2,  
Suite B . . . . . \$161.00 per month.
- (d) Hangar Office Space . . . . . \$.25 per square foot  
per month

SECTION 4. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS

AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single and multi-engine aircraft, \$10.00 per landing.
- (b) All large single and multi-engine aircraft, \$.60 per 1,000 pounds gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to non-scheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 5. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter I of Title VI of the Modesto Municipal Code, except that a maximum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of

Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter I of Title VI of the Modesto Municipal Code.

SECTION 6. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents (\$.07) per gallon of fuel sold or dispensed on the Airport, increasing to eight cents (\$.08) on January 1, 1988, shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 7. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 8. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 9. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable.

SECTION 10. ANNUAL ADJUSTMENT OF RATES, FEES AND CHARGES. Commencing July 1, 1989, the rates, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rates, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose, CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rates, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five percent (5%).

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 11. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1989.

SECTION 12. SUPERSEDE. This resolution supersedes Resolution No. 88-531 adopted by the City Council on July 19, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

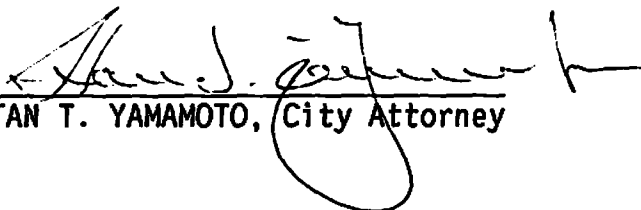
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-600

A RESOLUTION GRANTING IN PART AND DENYING IN PART THE APPEAL OF TULLY MANOR INVESTMENT TRUST RELATING TO CONDITIONS IMPOSED BY THE PLANNING COMMISSION ON AN APPLICATION TO AMEND P-D(21) TO ALLOW A McDONALD'S RESTAURANT, A COMPREHENSIVE PARKING AREA REDESIGN, AND A NEW DEVELOPMENT SCHEDULE FOR THE TULLY MANOR SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND TULLY ROAD, AND AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 65-502 AS PREVIOUSLY AMENDED.

WHEREAS, City Council Ordinance No. 748-C.S., effective October 27, 1965, as amended by Ordinance No. 1964-C.S., effective September 4, 1980, and Ordinance No. 2045-C.S., effective July 16, 1981, granted a Planned Development Zone, P-D(21), to the Pacific Investment Company (Stone Bros. and Associates) to allow commercial, professional office, multiple family, church, and other uses on property on the south side of Standiford Avenue and on both sides of Tully Road, and Ordinance No. 2495-C.S., effective May 21, 1987, and Ordinance No. 2641-C.S., effective March 16, 1989, amending the uses, and

WHEREAS, City Council Resolution No. 65-502, adopted on September 13, 1965, approved the development plan and schedule for P-D(21) and also contained the conditions of approval for the development of said uses on the P-D(21) property, and

WHEREAS, said P-D(21) has previously been amended by Resolution No. 73-948, adopted on November 19, 1973; Resolution No. 73-992, adopted on December 10, 1973; Resolution No. 75-1176, adopted on December 22, 1975; Resolution No. 76-385 adopted on February 23, 1976; Resolution No. 79-409, adopted on May 1, 1979; Resolution No. 80-704, adopted on July 15, 1980; Resolution No. 81-416, adopted on May 26, 1981; Resolution No. 81-476, adopted on June 9, 1981; and Resolution No. 87-278, adopted on April 14, 1987, and

WHEREAS, the Tully Manor Shopping Center portion of P-D(21) at the southeast corner of Standiford Avenue and Tully Road was specifically approved in 1973 and subsequently fully developed except for a "pad" at the very northwest corner of the site which remains undeveloped, and

WHEREAS, an application for an amendment to P-D(21) was filed on November 23, 1988, by Tully Manor Investment Trust for a McDonald's Restaurant on the corner "pad" and for a comprehensive parking area redesign, and revised development schedule for completion of the project, and

WHEREAS, due to the projected traffic generation based upon traffic thresholds established by City policy, a traffic impact study was required and prepared by the applicant's consultant which identified the various impacts related to the project at this major street intersection, and

WHEREAS, based upon the traffic mitigations identified in the consultant's traffic study and those recommended by the City Traffic Engineer which are reflected in the applicant's alternate Plan "B" and include a right-of-way dedication for widening Tully Road, and a right-turn-in-only configuration for the most northerly curbcut onto Tully Road, on March 8, 1989, the Environmental Assessment Committee recommended a mitigated negative declaration as to environmental impact of the proposed amendment, and

WHEREAS, said application was set for a public hearing before the Planning Commission on April 3, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission by its Resolution No. 89-47, found and determined that an amendment to Planned Development Zone, P-D(21), to allow a

McDonald's Restaurant, a comprehensive parking area redesign, and a revised development schedule in said P-D(21) Zone on property located at the southeast corner of Tully Road and Standiford Avenue, is required by public necessity, convenience and general welfare, and

WHEREAS, an appeal to certain conditions (Nos. 5, 6, 7, 8 and 9) imposed by the Planning Commission in its Resolution No. 89-47 was filed with the Office of the City Clerk by Tully Manor Investment Trust by letter dated April 5, 1989, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 9, 1989, at 7:30 p.m., and continued to May 23, 1989 at 7:30 p.m., at which time the Council, at the request of the applicant, continued said appeal to June 6, 1989 at 4:00 p.m. at which time the Council considered said matter, and

WHEREAS, at the hearing the applicant Tully Manor Investment Trust agreed to install all the improvements required by said conditions (Nos. 5, 6, 7, 8 and 9) provided that the medians on Tully Road and Standiford Avenue be reduced in length from 300 feet to only that length necessary to prevent left turn movements into and out of the project driveways nearest the intersection, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the conditions (Nos. 5, 6, 7, 8 and 9) of Planning Commission Resolution No. 89-47 should not be granted excepting that the portion of the appeal pertaining to the length of medians should be granted in part for the following reasons:

1. The traffic mitigation measures imposed on this project by the conditions (5, 6, 7, 8, and 9) of approval conform to the requirement of the California Environmental Quality Act (CEQA).
2. The applicant's Plan "B" allows for traffic mitigation of impacts it creates at this important major/major street intersection.
3. The shorter medians approved herein allow for direct left turn access to properties on the north side of Standiford Avenue and on the west side of Tully Road while still precluding left turn access at the applicant's two curb cuts closest to the intersection.

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 appeal of Tully Manor Investment Trust to certain conditions (Nos. 5, 6, 7, 8 and 9) of Planning Commission Resolution No. 89-47 is hereby denied for the reasons set forth above, with the exception that shorter traffic medians on Standiford Avenue east of Tully Road and Tully Road south of Standiford Avenue as required in condition No. 6 of Planning Commission Resolution No. 89-47, are hereby approved in order to allow direct left turn access to those properties to the north and west, respectively.

BE IT FURTHER RESOLVED that Sections 1 and 2 of Modesto City Council Resolution No. 65-502, as previously amended, entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(21). (Pacific Investment Company)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(21), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Tully Manor Shopping Center - Plan B" as amended in red, stamped approved by the City Council on June 6, 1989.
2. Prior to issuance of a building permit, the applicant shall submit a set of revised plot plans and floor plans showing all changes required by the Planning Commission. All development shall conform to this revised plan as amended in red, stamped approved by the Planning Commission on April 3, 1989.
3. 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. In addition to the McDonald's Restaurant, the landscaping and irrigation plan shall cover those parking areas of the Tully Manor shopping center which are being reconstructed.
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 widen Tully Road. 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 the traffic signal, striping, pavement marking and signing shall be prepared as per Caltrans and City of Modesto Standard Specifications, conforming to the recommended mitigations identified on pages 12 and 13 of the Traffic Impact Study, and shall be submitted to and approved by the Director of Public Works and Transportation.
7. Prior to occupancy, the developer shall fund and construct all the improvements as per the approved plans.
8. That prior to occupancy, the northerly driveway on Tully Road at the Tully Manor Shopping Center shall be redesigned and reconstructed to allow for right-turn-in-only movements according to specifications prepared by the applicant's traffic consultant and approved by the Director of Public Works and Transportation.
9. Prior to occupancy of the restaurant, as part of the parking area redesign, the applicant shall widen to maximum width all existing curb cuts in the shopping center except that identified in condition 8 above, in accordance with the requirements of the Director of Public Works and Transportation.

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. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. All previously applied conditions of approval by the City Council, Planning Commission and Board of Zoning Adjustment not in conflict with this action shall remain in full force and effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(21):

All development to be accomplished in one phase, construction already being underway, completion to be by April 3, 1992."

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 an amendment to P-D(21) to allow a McDonald's Restaurant, a comprehensive parking area redesign, and a new development schedule for the Tully Manor Shopping Center located at the southeast corner of Standiford Avenue and 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 June, 1989, 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: Irizarry, Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-601

A RESOLUTION GRANTING THE APPEAL OF STEPHEN T. BENETO RELATING TO CONDITIONS IMPOSED BY THE PLANNING COMMISSION ON AN APPLICATION FILED BY TULLY MANOR INVESTMENT TRUST TO AMEND P-D(21) TO ALLOW A McDONALD'S RESTAURANT, A COMPREHENSIVE PARKING AREA REDESIGN, AND A NEW DEVELOPMENT SCHEDULE FOR THE TULLY MANOR SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND TULLY ROAD.

WHEREAS, City Council Ordinance No. 748-C.S., effective October 27, 1965, as amended by Ordinance No. 1964-C.S., effective September 4, 1980, and Ordinance No. 2045-C.S., effective July 16, 1981, granted a Planned Development Zone, P-D(21), to the Pacific Investment Company (Stone Bros. and Associates) to allow commercial, professional office, multiple family, church, and other uses on property on the south side of Standiford Avenue and on both sides of Tully Road, and Ordinance No. 2495-C.S., effective May 21, 1987, and Ordinance No. 2641-C.S., effective March 16, 1989, amending the uses, and

WHEREAS, City Council Resolution No. 65-502, adopted on September 13, 1965, approved the development plan and schedule for P-D(21) and also contained the conditions of approval for the development of said uses on the P-D(21) property, and

WHEREAS, said P-D(21) has previously been amended by Resolution No. 73-948, adopted on November 19, 1973; Resolution No. 73-992, adopted on December 10, 1973; Resolution No. 75-1176, adopted on December 22, 1975; Resolution No. 76-385 adopted on February 23, 1976; Resolution No. 79-409, adopted on May 1, 1979; Resolution No. 80-704, adopted on July 15, 1980; Resolution No. 81-416, adopted on May 26, 1981; Resolution No. 81-476, adopted on June 9, 1981; and Resolution No. 87-278, adopted on April 14, 1987, and

WHEREAS, the Tully Manor Shopping Center portion of P-D(21) at the southeast corner of Standiford Avenue and Tully Road was specifically approved in 1973 and subsequently fully developed except for a "pad" at the very northwest corner of the site which remains undeveloped, and

WHEREAS, an application for an amendment to P-D(21) was filed on November 23, 1988, by Tully Manor Investment Trust for a McDonald's Restaurant on the corner "pad" and for a comprehensive parking area redesign, and revised development schedule for completion of the project, and

WHEREAS, due to the projected traffic generation based upon traffic thresholds established by City policy, a traffic impact study was required and prepared by the applicant's consultant which identified the various impacts related to the project at this major street intersection, and

WHEREAS, based upon the traffic mitigations identified in the consultant's traffic study and those recommended by the City Traffic Engineer which are reflected in the applicant's alternate Plan "B" and include a right-of-way dedication for widening Tully Road, and a right-turn-in-only configuration for the most northerly curbcut onto Tully Road, on March 8, 1989, the Environmental Assessment Committee recommended a mitigated negative declaration as to environmental impact of the proposed amendment, and

WHEREAS, said application was set for a public hearing before the Planning Commission on April 3, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission by its Resolution No. 89-47, found and determined that an amendment to Planned Development Zone, P-D(21), to allow a

McDonald's Restaurant, a comprehensive parking area redesign, and a revised development schedule in said P-D(21) Zone on property located at the southeast corner of Tully Road and Standiford Avenue, is required by public necessity, convenience and general welfare, and

WHEREAS, an appeal to the condition imposed by the Planning Commission in its Resolution No. 89-47 to require a 300-foot long, four-foot wide median on Standiford Avenue for Tully Manor Investment Trust's application to amend P-D(21) was filed with the Office of the City Clerk by Stephen T. Beneto, owners of the Exxon Station at 1233 Standiford Avenue, by letter dated April 10, 1989, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 9, 1989, at 7:30 p.m., and continued to May 23, 1989 at 7:30 p.m., at which time the Council continued said appeal to June 6, 1989 at 4:00 p.m. at which time the Council considered said matter concurrently with an appeal filed by Tully Manor Investment Trust, and

WHEREAS, at the hearing the appellant Stephen T. Beneto agreed to pay for the entire median on Standiford Avenue provided that the median is reduced in length from 300 feet to only that length necessary to prevent left turn movements into and out of the project driveways nearest the intersection, and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said appeal to the condition of Planning Commission Resolution No. 89-47 relating to the length of medians should be granted for the following reasons:

1. The appellant Stephen T. Beneto has agreed to pay the entire cost of the shortened median on Standiford Avenue.
2. The shorter median approved herein allows for direct left turn access to properties on the north side of Standiford Avenue and on the west side of Tully Road while still precluding left turn access at the applicant's two curb cuts closest to the intersection.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Stephen T. Beneto to the condition of Planning Commission Resolution No. 89-47 relating to the length of medians is hereby granted for the reasons set forth above, and that a shorter traffic median on Standiford Avenue east of Tully Road is hereby approved in order to allow direct left turn access to applicant's property to the north.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1989, 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: Irizarry, Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-602

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(454). (WARNER SOELLING)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Warner Soelling on June 28, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow an office/commercial development, property located on the southwest corner of Briggsmore Avenue and Oakdale Road, described as follows:

All that portion of Lot 1 of the Broughton Colony Tract in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian according to the map thereof, recorded in Volume 1 of Maps at Page 78, Stanislaus County Records, being more particularly described as follows:

Commencing at the northeast corner of said Lot 1, also being the northeast corner of said Section 22 and also being on the centerline of Oakdale Road, thence South  $0^{\circ}24'43''$  East, 61.01 feet along the centerline of said Oakdale Road to the TRUE POINT OF BEGINNING; thence continuing along said centerline South  $0^{\circ}24'43''$  East, 373.13 feet to a point of intersection with the north line of Eastridge Plaza extended easterly, Eastridge Plaza being a subdivision as shown on the map filed for record in Volume 27 of Maps at Page 94, Stanislaus County Records; thence along said north line extended and said north line of Eastridge Plaza North  $89^{\circ}47'28''$  West, 426.18 feet to a point of intersection with said north line and the centerline of Santa Paula Drive as shown on said map of Eastridge Plaza; thence North  $0^{\circ}12'32''$  East, 135.0 feet along the centerline of said Santa Paula Drive extended northerly; thence North  $89^{\circ}47'28''$  West, 305.71 feet to a point of tangency with a 250.0 foot radius curve concave northeast, (central angle equals  $17^{\circ}11'38''$  and chord bears North  $81^{\circ}11'39''$  West, 74.74 feet); thence northwest along the arc of said curve 75.02 feet; thence North  $0^{\circ}17'17''$  East, 193.98 feet to a point on the centerline of the 60 foot eastbound lane of Briggsmore Avenue said point being on a 1200 foot radius curve concave northwest (radius point bears North  $3^{\circ}53'37''$  West, central angle equals  $6^{\circ}37'31''$  and chord bears North  $82^{\circ}47'38''$  East, 138.68 feet); thence continuing along the centerline of said eastbound lane, northeast along the arc of said 1200 foot radius curve 138.76 feet to a point of reverse curvature with a 1200 foot radius curve concave southeast (central angle equals  $4^{\circ}32'44''$  and chord bears North  $81^{\circ}45'14''$  East,

95.18 feet; thence northeast along said centerline South 89°54'08" East, 569.88 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on August 15, 1988, continued to September 6, 1988, 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. 88-101, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed office, restaurant, and financial institution uses are consistent with the location at the intersection of a major street and expressway.
2. The P-D zone and conditions thereof will provide for development compatible with surrounding land uses.

and

WHEREAS, after a public hearing held on June 6, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Warner Soelling 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. 88-101 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2669-C.S. on the 6 day of June, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(454).

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(454), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Planned Development Study for W. M. Soelling" as amended in red, stamped approved by the City Council on June 6, 1989.
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. Peripheral landscaping shall be required as follows:
  - a. On the west and south property lines adjacent to residential development, as shown on the plan, five-foot wide planters with screen landscaping.
  - b. Along Santa Paula and Kendall Avenues, a ten-foot wide planter with screen landscaping inside the fencing and a ten-foot landscaped setback outside the fence. The entire area outside the fence from edge of curb shall be occupied by sidewalk and irrigated landscaping.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Six-foot decorative masonry wall along the Santa Paula Drive and Kendall Avenue frontages.
  - b. Eight-foot decorative masonry wall along the west property line as shown on the approved plan, and adjacent to the senior citizens housing project to the south.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The approved plan shall include provision for a slip-lane on south-bound Oakdale Road to serve the northerly project driveway on Oakdale Road consistent with plan "B" as presented at the June 6, 1989, City Council meeting. The design shall be accomplished without reduction in required landscaping. Prior to issuance of a building permit, the design shall be approved by the Public Works and Transportation Director.

6. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director as necessary to complete the modifications of Oakdale Road as shown on the approved plan. 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.
7. The Oakdale Road frontage shall be improved to major street standards including installation of a median to extend south from the intersection with Briggsmore Avenue in conformance with plan "B" 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. The intersection geometry of Oakdale Road at Briggsmore Avenue, including both north and south legs, shall be modified consistent with plan "B" as presented at the June 6, 1989, City Council meeting prior to occupancy of any structures, subject to improvement plans as approved by the Public Works and Transportation Director. The applicant shall bear the cost of these modifications.
9. Prior to issuance of a building permit, improvement plans for required improvements, including traffic signal modification, shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Prior to occupancy of any structures, the improvements shall be constructed in accordance with the approved plans.
10. Prior to occupancy, Kendall Avenue and Santa Paula Drive shall be completed to full-width residential street standards where adjoining the subject P-D zone, in accordance with the recorded subdivision map.
11. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.
12. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Oakdale Road frontage. The number shall be as determined by the Public Works and Transportation Director.
13. All curbcuts serving two-way driveways shall be 41 feet in width. The northerly curbcut on Oakdale Road shall conform to the "Drop Curb Approach" Standard Specification.

14. The ingress-only access from East Briggsmore Avenue shall be of a design approved by the Public Works and Transportation Director.
15. The East Briggsmore Avenue frontage of the development shall be constructed as approved by the Public Works and Transportation Director, in accordance with City Standard Specifications, Sections 3.22 prior to occupancy of any structure.
16. No vehicular or pedestrian access shall be allowed between the development and the adjacent subdivision streets.
17. 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.
18. 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.
19. The development shall be served by positive storm drainage as required by the Public Works and Transportation Director. Storm drainage fees shall be paid as established by the Municipal Code for the Oakdale Road Storm Drainage Area.
20. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
21. 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.
22. 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 south, substantially as shown in red on the plot plan.
23. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
24. 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.

25. Air conditioning equipment shall be ground-mounted to the north of the buildings, or if roof-mounted, shall be surrounded by a parapet on the west, south, and east sides.
26. The restaurant may be open to the public only between the hours of 6 a.m. and 10 p.m. Monday-Thursday, 6 a.m. to 12 midnight Friday-Sunday nights.
27. 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.
28. No signs shall be permitted above eight feet in height on the south and west faces of the buildings where adjacent to residentially-zoned properties.
29. All signs shall comply with the sign requirements of the P-0 Zone except for the restaurant and financial institution which shall comply with the sign requirements of the C-3 Zone.
30. 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.
31. 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.
32. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this P-D Zone shall be based on the rates in effect at time of issuance of the building permit.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(454):

The entire construction program be accomplished in one phase, construction to begin on or before September 6, 1990, and completion to be not later than September 6, 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(454), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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 Prochola  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-603

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 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(454). (WARNER SOELLING)

WHEREAS, on June 6, 1989, the City Council introduced Ordinance No. 2669-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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(454), property located on the southwest corner of Briggsmore Avenue and Oakdale Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a 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 22-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(454), property located on the southwest corner of Briggsmore Avenue and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-604

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 88-5 ENTITLED "A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING, INC. ON BEHALF OF KINSEY-CONE, INC. TO REZONE PROPERTY FROM R-1 TO P-D(444), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, SOUTH OF SYLVAN AVENUE, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION." (REMAX/COFFEE ROAD INVESTORS)

WHEREAS, the City Council, by Ordinance No. 2569-C.S., which was introduced on January 5, 1988, finally adopted on January 19, 1988, and which became effective on February 18, 1988, amended Section 9-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(444), to allow a two-story office complex, property located on the west side of Coffee Road, south of Sylvan Avenue, and

WHEREAS, City Council Resolution No. 88-5, which was adopted on January 5, 1988, approved a development plan for P-D(444) to allow a two-story office complex, property located on the west side of Coffee Road, south of Sylvan Avenue, and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(444) was filed by Mid-Valley Engineering on behalf of Coffee Road Investors on January 31, 1989, to divide the office complex into air-space condominiums, and

WHEREAS, after a public hearing held on May 8, 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. 89-61, that an amendment to P-D(444) to divide the office complex into air-space condominiums as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone amendment will allow a condominium type of ownership rather than a single ownership with or without rental tenancy.
2. The development plan is identical to that which has already been approved as P-D(444).

and

WHEREAS, after a public hearing held on June 6,, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mid-Valley Engineering on behalf of Coffee Road Investors to amend P-D(444) to divide the office complex into air-space condominiums, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-61 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 2 of Modesto City Council Resolution No. 88-5 entitled "A Resolution Granting the Appeal of Mid-Valley Engineering, Inc. on Behalf of Kinsey-Cone, Inc. to Rezone Property from R-1 to P-D(444), Property Located on the West Side of Coffee Road, South of Sylvan Avenue, and Overruling the Decision of the Planning Commission" is hereby amended to read as follows to divide the office complex into air-space condominiums:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(444), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Remax Office Building - P-D(444)" as amended in red, stamped approved by the Planning Commission on May 8, 1989.
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 lines and attain a 15-foot height in five years. 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 along the south property line.
  - b. Six-foot double sided wood, stucco, or masonry wall or fence 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 developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete Coffee Road to major street standards. 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. The Coffee Road 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.
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 issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Coffee Road frontage. The number shall be as determined by the Public Works and Transportation Director.
9. The developer shall dedicate to the City of Modesto a street tree planting easement along the Coffee Road frontage as required by the Parks and Recreation 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. 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.
13. Drainage shall be provided as required by the Public Works and Transportation Director.
14. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
15. 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.
16. 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 south, substantially as shown in red on the plot plan.
17. 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.
18. 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.
19. No signs shall be permitted above eight feet in height on the west face of the buildings.
20. All signs shall comply with the sign requirements of the P-0 Zone.
21. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
22. Prior to recordation of a final subdivision map, the developer shall obtain certification from the Chief Building Official that all construction conforms to all building and fire safety standards for condominiums established by the Chief Building Official.

23. 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."

BE IT FURTHER RESOLVED that all of the other provisions of Resolution No. 88-5 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 6 day of june, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-604A

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(444), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD AND SOUTH OF SYLVAN AVENUE.

WHEREAS, on June 6, 1989, the City Council adopted Resolution No. 89-604 giving approval to a project relating to an amendment to P-D(444), property located on the west side of Coffee Road and south of Sylvan 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 P-D(444), property located on the west side of Coffee Road and south of Sylvan Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-605

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 79-1151 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(247). (GERRITT VANDER POL)" FOR A REDUCED AGRICULTURAL/INDUSTRIAL DEVELOPMENT, PROPERTY ON THE WEST SIDE OF CROWS LANDING ROAD AND ON THE NORTH SIDE OF WHITMORE AVENUE. (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, the City Council, by Ordinance No. 1892-C.S., which was introduced on November 6, 1979, finally adopted on November 20, 1979, and which became effective on December 20, 1979, to prezone to Planned Development Zone, P-PD, to allow an agriculturally related business-industrial park, property located on the northwest corner of Crows Landing Road and Whitmore Avenue, and

WHEREAS, City Council Resolution No. 79-1151, which was adopted on November 6, 1979, approved a development plan for P-PD(247) and contained the conditions of approval thereof, and

WHEREAS, City Council Ordinance No. 2670 -C.S., which was adopted on June 6, 1989, amended P-D(247) to rezone from a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(247) was filed by Phillip D. Overholtzer, Inc. on January 13, 1989, for a reduced agricultural/industrial development, and

WHEREAS, after a public hearing held on May 8, 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. 89-65,

that an amendment to P-D(247), for a reduced agricultural/industrial development as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The property proposed for R-1 zoning and a resultant single family residential subdivision is in a location that is indicated for residential development on the General Plan Map.
2. There are conditions built into the remaining P-D(247) to assure agricultural orientation by specific Planning Commission plot plan review prior to construction and also to assure compatibility with the adjoining residential development.
3. There are traffic mitigation measures imposed which will help to offset the increased traffic generation and turning movements that will occur around this major/major street intersection.

and

WHEREAS, after a public hearing held on June 6, 1989, 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. to amend P-D(247) for a reduced agricultural/industrial development, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-65 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 79-1151 entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(247)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Prezoned Planned Development Zone, P-PD(247), is hereby approved in accordance with the plan titled "Agri-Village Development Plan", dated September 17, 1979, which

said plan is on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Agri-Village Development Plan" as amended in red, stamped approved by the Planning Commission on May 8, 1989.
2. Prior to the issuance of a building permit for any construction, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the entire north and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed as stated below and shall be as follows:
  - a. Eight-foot decorative masonry wall along the entire north and west property lines to be constructed prior to issuance of a building permit for any construction, or within one-year from date of recordation of the parcel map creating the divided P-D(247), whichever occurs first.
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 Crows Landing Road and Whitmore Avenue to major street standards. Said dedications 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. The Crows Landing Road and Whitmore Avenue frontages 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.
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 issuance of a building permit or within one year from the date of parcel map recordation, as traffic mitigation measures, improvement plans for traffic signal upgrading,

striping, pavement markings and signing, driveway locations, and medians shall be prepared as per City of Modesto Standard Specifications, conforming to the mitigations identified in the memo dated March 30, 1989 from the City Transportation Planner to the Modesto Environmental Assessment Committee and shall be submitted to and approved by the Director of Public Works and Transportation. Prior to occupancy of any new construction, the developer shall fund and construct all of the improvements as per the approved plans.

9. Prior to issuance of a building permit for any structure, with the exception of Valley Tractor Company, the applicant shall submit detailed plot plans for that structure in accordance with Section 10-2.1709 (c) of the Modesto Municipal Code for review by the Planning Commission. Standard and special conditions normally part of the P-D approval will be attached to the plans for each structure.
10. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Crows Landing Road and Whitmore Avenue frontages. The number shall be as determined by the Public Works and Transportation Director.
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. Irrigation lines shall be removed, relocated, or protected as required by the Turlock Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
13. The development shall be served by positive storm drainage as required by the Public Works and Transportation Director. Prior to issuance of a building permit, storm drainage fees shall be paid as established for the Crows Landing Road Storm Drainage Area.
14. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
15. 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.
16. 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 and west of Valley Tractor, substantially as shown in red on the plot plan.

17. 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.
18. 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.
19. Any activity in the areas between buildings and the north and west property lines or open areas within 80 feet of the north and west property lines, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m. A chain or appropriate fencing shall be employed to accomplish this as determined by the Director of Planning and Community Development.
20. All signs shall comply with the sign requirements of the M-1 Zone. No signs shall be permitted above eight feet (8') in height on the north and west face of the buildings which adjoin the north and west boundary lines.
21. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
22. All conditions of City Council Resolution No. 79-1151 not in conflict with this action shall remain in full force and effect.
23. 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 Prezoned Planned Development Zone, P-PD(247):

All development shall be in one phase, construction to start on or before May 8, 1992, completion to be by May 8, 1993."

BE IT FURTHER RESOLVED that all of the other provisions of Resolution No. 79-1151 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 6 day of June, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-606

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM A PORTION OF P-D(247) TO R-1. (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, on June 6, 1989, 1989, the City Council introduced Ordinance No. 2670-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 a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore 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 8-4-9 of the Zoning Map of the City of Modesto to reclassify from a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-607

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(437), AS AN ADDITION TO P-D(437). (GRANT CONSTRUCTION CO. INC.)

WHEREAS, a verified application for an amendment to Section 25-3-8 of the Zoning Map was filed by Grand Construction Co. Inc. on April 18, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, as an addition to P-D(437), to allow a neighborhood shopping center, property located on the north side of Kansas Avenue west of Carpenter Road, described as follows:

Parcel 1 as shown on that certain parcel map filed June 27, 1974, in Volume 19 of Parcel Maps, Page 50, Stanislaus County Records. Including also the north 30 feet of Kansas Avenue adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 8, 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. 89-64, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The rezoning from R-1 to P-D(437) results in a superior site by removing the less desirable "notch" of land from the southwest corner of the site.
2. The rezoning also gives rise to an improved site plan which retains the neighborhood compatibility features and promotes traffic flow.

and

WHEREAS, after a public hearing held on June 6, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Grand Construction Co. Inc. for an addition to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-64 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2671-C.S. on the 6 day of June, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(437), as an addition to P-D(437).

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(437), as an addition to P-D(437), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "The Grant Companies" as amended in red, stamped approved by the Planning Commission on May 8, 1989.
2. All curbcuts serving two-way driveways shall be a minimum of 41 feet in width.
3. All conditions of City Council Resolution No. 87-1186 not in conflict with this action shall remain in full force and effect.
4. Prior to issuance of any building permit, the property owners shall make payment of \$25,000 toward the cost of a traffic signal at the intersection of Kansas Avenue and Carpenter Avenue.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(437), as an addition to P-D(437):

The entire construction program be accomplished in one phase, construction to begin on or before October 19, 1991, and completion to be not later than October 19, 1992.

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 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(437), as an addition to P-D(437), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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 Armitage  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-608

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(437) AS AN ADDITION TO P-D(437). (GRANT CONSTRUCTION CO. INC.)

WHEREAS, on June 6, 1989, 1989, the City Council introduced Ordinance No. 2671-C.S. giving approval to a 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(437), as an addition to P-D(437), property located on the north side of Kansas Avenue west of Carpenter 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 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 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(437), as an addition to P-D(437), property located on the north side of Kansas Avenue west of Carpenter Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-609

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR REMOVAL OF UNDERGROUND FUEL TANKS AT FUEL ISLAND  
NO. 2, MODESTO CITY-COUNTY AIRPORT

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

SECTION 1. The plans and specifications for the removal of underground fuel tanks at Fuel Island No. 2 at the Modesto City-County Airport copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 27, 1989, 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 June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-610

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 June 27, 1989, at 3:00 p.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 June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-611

A RESOLUTION ACCEPTING THE BID OF AMERICAN ENGINEERING LABORATORIES, INC. FOR FURNISHING ANNUAL REQUIREMENTS OF COMPACTION, AGGREGATE, AND CONCRETE TESTING SERVICE

WHEREAS, Resolution No. 89-503, adopted by the Council of the City of Modesto on April 25, 1989, approved the plans and specifications for the annual requirements of compaction, aggregate, and concrete testing services and authorized the calling for bids; and

WHEREAS, the bids received for the annual requirements of compaction, aggregate, and concrete testing services were opened at 3:05 p.m. on May 16, 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 American Engineering Laboratories, Inc. in the amount of \$6,125 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Engineering Laboratories, Inc. in the amount of \$6,125 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 June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
MORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF SAFE-T-LITE COMPANY FOR FURNISHING ANNUAL STREET NAME SIGN REQUIREMENTS

WHEREAS, Resolution No. 89-505 , adopted by the Council of the City of Modesto on April 25, 1989 , approved the plans and specifications for the furnishing of annual street name sign requirements

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of annual street name sign requirements were opened at 3:00 p.m. on May 23, 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 Safe-T-Lite Company in the amount of \$19,809 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Safe-T-Lite Company in the amount of \$19,809 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL COMPANY FOR FURNISHING ANNUAL REQUIREMENTS OF LIQUID CHLORINE

WHEREAS, Resolution No. 89-504 , adopted by the Council of the City of Modesto on April 25, 1989 , approved the plans and specifications for the annual requirements of liquid chlorine

and authorized the calling for bids; and

WHEREAS, the bids received for the annual requirements of liquid chlorine

were opened at 3:10 p.m. on May 16, 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 All Pure Chemical Company in the amount of \$293,070 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of All Pure Chemical Company in the amount of \$293,070 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF CRYSTAL POOL COMPANY FOR FURNISHING ANNUAL REQUIREMENTS OF SWIMMING POOL CHLORINE AND MURIATIC ACID

WHEREAS, Resolution No. 89-524 , adopted by the Council of the City of Modesto on May 2, 1989 , approved the plans and specifications for the annual requirements of swimming pool chlorine and muriatic acid

and authorized the calling for bids; and

WHEREAS, the bids received for the annual requirements of swimming pool chlorine and muriatic acid

were opened at 3:20 p.m. on May 23, 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 Crystal Pool Company in the amount of \$9,240 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Crystal Pool Company in the amount of \$9,240 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF VALLEY ELECTRIC FOR DRY CELL BATTERY ANNUAL REQUIREMENT

WHEREAS, Resolution No. 89-502 , adopted by the Council of the City of Modesto on April 25, 1989 , approved the plans and specifications for the annual requirements of dry cell batteries

and authorized the calling for bids; and

WHEREAS, the bids received for the annual requirements of dry cell batteries

were opened at 3:00 p.m. on May 16, 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 Valley Electric in the amount of \$2,900 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Valley Electric in the amount of \$2,900 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF FENCE SYSTEMS, INC. FOR CONSTRUCTION OF THE MCHENRY MANSION MASONRY WALL

WHEREAS, Resolution No. 89-563 , adopted by the Council of the City of Modesto on May 16, 1989 , approved the plans and specifications for the construction of the McHenry Mansion masonry wall

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the McHenry Mansion masonry wall

were opened at 11:10 a.m. on May 30, 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 Fence Systems, Inc. in the amount of \$10,500 be accepted as the lowest responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fence Systems, Inc. in the amount of \$10,500 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE OVERLAY OF  
VARIOUS CITY STREETS, 1989

WHEREAS, Resolution No. 89-537 , adopted by the Council of the City of  
Modesto on May 9, 1989 , approved the plans and specifications for the  
overlay of various City streets, 1989

and authorized the calling for bids; and

WHEREAS, the bids received for the overlay of various City streets, 1989  
were opened at 11:00 a.m. on May 30, 1989 , 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  
George Reed, Inc. in the amount of \$418,888  
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 \$18,888  
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 June , 1989 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Sutton , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Pattersron, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-618

A RESOLUTION AUTHORIZING THE ISSUANCE OF A BLANKET ORDER TO ACCEPT THE OFFER BY THE MODESTO BEE TO PRINT AND PUBLISH THE OFFICIAL LEGAL ADVERTISING FOR ONE YEAR BEGINNING JULY 1, 1989, AND ENDING JUNE 30, 1990

WHEREAS, new rates for printing and publishing the official legal advertising for the City for the 1989-90 fiscal year have been negotiated, and as in previous years, the Modesto Bee is the only local newspaper meeting the requirements for printing and publishing the official advertising for the City.

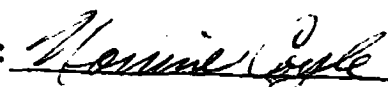
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance is hereby authorized to issue a blanket order in the amount of \$10,000 to the Modesto Bee to print and publish the official legal advertising for one year beginning July 1, 1989, and ending June 30, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-619

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 47 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the construction of Pump Station No. 47

has been completed by Central Pump Company  
in accordance with the contract agreement dated November 1, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump Station  
No. 47

be accepted from said contractor, Central Pump Company ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$115,019 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 June,  
1989, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Sutton, was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-620

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF  
TRAFFIC SIGNAL CONTROLLERS AND CABINETS FROM SIGNAL CONTROL SALES COMPANY

WHEREAS, the Public Works and Transportation Department has requested the purchase of traffic signal controllers and cabinets to replace and upgrade existing equipment at various City locations; and

WHEREAS, the equipment needed must integrate with existing controller equipment, and Signal Control Sales in Burlingame is the sole source for the required equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of traffic signal controllers and cabinets is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Signal Control Sales in the amount of \$31,740 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 June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-620A

A RESOLUTION AMENDING THE 1988-89 ANNUAL BUDGET OF THE CITY OF MODESTO IN ORDER TO PROVIDE ADDITIONAL FINANCING FOR THE PURCHASE OF SIX TRAFFIC SIGNAL CONTROLLERS.

WHEREAS, it has been determined by the Public Works Department that six traffic signal controllers are in need of replacement, and

WHEREAS, the additional financing for this ongoing maintenance project may be obtained from savings in other traffic related projects,

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 1988-89:

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
010/160/1601/0360	Real Property Maintenance & Repair	( 4,674)
010/700/7000/7051	Transfer out to Fund 051	4,674
070/160/G285/6000	Fetsim Project (T/Signal Mngmt)	( 10,000)
070/160/P011/6000	T/S Modification-Coffee/Briggsmore	( 3,634)
070/700/7000/7051	Transfer out to Fund 051	13,634
130/160/P737/6000	Time Based Coord-Oakdale/El Vista	( 3,300)
130/700/7000/7051	Transfer out to Fund 051	3,300
051/160/P125/6000	T/S Modification-Sylvan/Coffee	( 5,024)
051/430/P695/6000	Traffic Signal Controllers-Variou	26,632
<u>Revenues</u>		
051/700/7000/9010	Transfer in from Fund 010	4,674
051/700/7000/9070	Transfer in from Fund 070	13,634
051/700/7000/9130	Transfer in from Fund 130	3,300

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 6 day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-621

A RESOLUTION OF INTENTION TO VACATE AND ABANDON NORTH MORTON BOULEVARD TO MOTORIZED VEHICLES, BETWEEN JENNIE STREET AND THE NEW STATE HIGHWAY 132 IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 86-460.

WHEREAS, by Resolution No. 84-527, adopted on July 24, 1984, the City Council declared its intention to vacate and abandon North Morton Boulevard and Willow Street between Jennie Street and Grand Street, and

WHEREAS, said vacation and abandonments were requested by E. & J. Gallo Winery and were related to the proposed construction of a new State Highway 132 route to be located south of Jennie Street, and

WHEREAS, the City Council subsequently recommended to the State that the new State Highway 132 route be located approximately 200 feet farther south than previously proposed and the recommended route was tentatively adopted by the State, and

WHEREAS, because of the relocated route and other reasons noted in a Planning staff report titled "Reconsideration of Abandonment or Closure of North Morton Boulevard", dated February 1986, the City Council determined that because of the changed circumstances the vacation and abandonment of North Morton Boulevard between Jennie Street and Grand Street, as previously tentatively approved, should be reconsidered, and

WHEREAS, on February 25, 1986, the City Council by motion referred reconsideration of the vacation and abandonment of North Morton Boulevard between Jennie Street and Grand Street to the Planning Commission for report and recommendation, and

WHEREAS, the Planning Commission received the staff report and additional comments from affected City departments and utility companies and the abandonment was reconsidered at a public hearing held on April 7, 1986, and at a continued public hearing held on April 21, 1986, and

WHEREAS, the Planning Commission by Resolution No. 86-73, adopted April 21, 1986, found and determined as follows:

1. That the section of North Morton Boulevard between Jennie Street and the new State Highway 132 will not be necessary to serve present or future motorized traffic needs in the area.
2. That the right-of-way will be needed as a route for a pedestrian, bike, and equestrian trail.
3. That closure of North Morton Boulevard between Jennie Street and the new State Highway 132 to motorized traffic is in conformity with the General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 86-73, recommended to the City Council that North Morton Boulevard be closed to motorized vehicles between Jennie Street and the new State Highway 132, subject to the following considerations:

1. That the right-of-way be retained as a route for a pedestrian, bike, and equestrian trail.
2. That the closure of North Morton Boulevard be accomplished at such time as construction of the new State Highway 132 is started.
3. That the closure at Jennie Street shall be accomplished by connecting North Morton Boulevard to Jennie Street by an "elbow".
4. That traffic signals not be installed at the "tee" intersection of South Morton Boulevard with the new State Highway 132.

5. That turning movements at the South Morton Boulevard intersection with the new State Highway 132 be enhanced by including the following in the new highway design:
  - a. A left turn lane on the new State Highway 132 including the new Dry Creek bridge to accommodate westbound the new State Highway 132 traffic turning southbound on South Morton Boulevard.
  - b. A deceleration lane on the south side of the new State Highway 132 west of South Morton Boulevard to accommodate eastbound the new State Highway 132 traffic turning to southbound on South Morton Boulevard.
  - c. An acceleration lane on the south side of the new State Highway 132 east of South Morton Boulevard to accommodate northbound South Morton Boulevard traffic turning eastbound on the new State Highway 132.
6. That any consideration of a driveway entry at the new State Highway 132 intersection with South Morton Boulevard be considered later, when definite plans have been proposed, and

WHEREAS, on June 10, 1986, the City Council indicated its intent to close North Morton Boulevard between Jennie Street and the new State Highway 132, and

WHEREAS, said action was delayed until Caltrans established the alignment for the new State Highway 132, and

WHEREAS, the alignment for the new state highway was established in 1988, and

WHEREAS, Caltrans will not allow North Morton Boulevard to access the new State Highway 132 by installing curb, gutter, sidewalk, and a barricade along the north side of the new State Highway 132 across North Morton Boulevard, and

WHEREAS, in March 1989, Caltrans was contacted and there was no opposition on the proposed abandonment, and

WHEREAS, in April 1989, the utility companies were contacted and as a result, the Modesto Irrigation District requested an easement be reserved along the east side of the right-of-way to allow for future electrical lines, and

WHEREAS, the Council desires to vacate and abandon the subject right-of-way as said right-of-way is no longer needed for vehicle purposes,

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 North Morton Boulevard to motorized vehicles between Jennie Street and the new State Highway 132 as set forth above.

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 Tuesday, June 27, 1989, 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 street 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 Director of Planning and Community Development is hereby directed to cause notices of the proposed street vacation and

abandonment to be posted conspicuously along the line of North Morton Boulevard between Jennie and the new State Highway 132, 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 vacated and abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-622

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND S.D.S. ASSOCIATES FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE NORTH SIDE OF BANGS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and S.D.S. Associates for water service to ptoperty outside City limits on the north side of Bangs Avenue, approximately 1,000 feet west of McHenry 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 6th day of June , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  \_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-623

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK VALLEY HOMES, PHASE III SUBDIVISION  
AND AUTHORIZING RELEASE OF CERTIFICATE OF DEPOSIT ASSIGNMENT

WHEREAS, R.J. Hill Company, subdivider of Park Valley Homes, Phase III Subdivision, has filed a Certificate of Deposit for faithful performance and labor and materials in the amount of \$50,000, to guarantee improvements in Park Valley Homes, Phase III Subdivision; and

WHEREAS, the Director of Engineering in a memorandum dated May 30, 1989, 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 Certificate of Deposit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the improvements in Park Valley Home, Phase III Subdivision are hereby accepted as complete, and the City Clerk is hereby authorized to release the \$50,000 Certificate of Deposit assignment in the amount of \$50,000 upon re-  
cordation of the notice of completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-624

A RESOLUTION ORDERING THE CARPENTER-KANSAS REORGANIZATION  
TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 89-19 dated April 26, 1989, approved the proposed Carpenter-Kansas 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 Carpenter-Kansas Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Carpenter-Kansas 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 reorganization boundaries to include the Carpenter Road right-of-way adjacent to the subject territory; 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 April 26, 1989, certified that it considered the contents of the Environmental Documentation prepared by the City of Modesto as to the environmental impact of the subject Reorganization and the prezone of the territory to P-O, Professional Offices, 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 authorized the Council of the City of Modesto to proceed without notice, hearing, or election pursuant to Section 56837 of the Government Code of the State of California, and

WHEREAS, the reason for this annexation is as follows:

To allow the property to be zoned Professional Office, P-0, and developed accordingly, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 as amended have been complied with.
2. That the area or territory designated as the Carpenter-Kansas 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 Woodland Avenue 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 6 day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. Chughan  
Public Works and Transportation  
Department, Engineering

LEGAL DESCRIPTION

CARPENTER-KANSAS REORGANIZATION

TO THE CITY OF MODESTO

All that real property situate in Lot 10 of "MAZE RANCH SUBDIVISION" as shown on the map filed in Volume 4 of Maps at Page 18, Stanislaus County Records, lying in a portion of the Southwest one quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridan, in Stanislaus County, California, more particularly described as follows:

COMMENCING at the intersection of the South line of Kansas Avenue (a county road 40 feet wide) and the West line of Carpenter Road (a county road 90 feet wide), said point being the POINT OF BEGINNING; thence South  $89^{\circ}28'22''$  East 45.00 feet to the centerline of Carpenter Road; thence South  $0^{\circ}31'34''$  East along the centerline of Carpenter Road 136.86 feet; thence leaving the centerline of Carpenter Road North  $89^{\circ}28'22''$  West 45.00 feet to the point of intersection of the northerly line of State Highway 132, as described in that deed filed in the office of the Stanislaus County Recorder in Volume 1713 of Official Records at Page 602, and the westerly line of Carpenter Road; thence South  $54^{\circ}42'08''$  West along the northerly line of State Highway 132, 62.16 feet; thence continuing along said northerly line South  $80^{\circ}38'38''$  West 37.67 feet; thence leaving the northerly line of State Highway 132, North  $0^{\circ}31'34''$  West 179.72 feet to the South line of Kansas Avenue; thence South  $89^{\circ}28'22''$  East along the south line of Kansas Avenue 88.30 feet to the POINT OF BEGINNING.

Described parcel contains 0.47 Acres gross, more or less.

EXHIBIT "A"

Approved as to description

ON 11/27/2024

BY [Signature]

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-625

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following existing classifications:

Tree Trimmer

Tree Trimmer Crewleader

The revised specifications for the classifications amended, as shown on the attached Exhibits "A" and "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. EFFECTIVE DATE. This resolution shall become effective on and after June 6, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

TREE TRIMMER

DEFINITION

To perform skilled work in the trimming, maintenance, and planting of City trees within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Using an aerial lift, trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as aerial boom trucks, chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Spray and inject pesticides; bolt and cable tree limbs.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

May supervise a work crew.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and techniques used in the tree trimming and maintenance.

Knowledge of:

Uses and purposes of tools and equipment related to tree trimming and maintenance.

Uses and purposes of knots and ropes.

Safe work practices.

Ability to:

Perform skilled tree trimming and maintenance work.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

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.

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 performing tree trimming and maintenance duties.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of, or ability to obtain a valid class B California driver's license by date of hire.

## TREE TRIMMER CREWLEADER

DEFINITION

To assist in supervising and to participate in skilled work in the trimming, maintenance, and planting of City trees within the Parks and Recreation Department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff.

Exercises functional and technical supervision over assigned maintenance personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Provide lead supervision to tree maintenance staff involved in tree trimming activities; assign work activities; train maintenance staff.

Using an aerial lift, trim and prune trees to provide clearance of streets, sidewalks, buildings, signs and lights as well as to ensure the continued health of the tree.

Perform ground trimming using pole saws and hydraulic loppers.

Remove standing and fallen trees, stumps, limbs and related debris.

Plant, stake and maintain trees on City-owned property and in the public right-of-way.

Operate tree trimming and maintenance equipment such as aerial boom trucks, chippers, stump grinders, dump trucks, and power tools such as chain saws and hydraulic loppers.

Climb trees using ropes and gaffs, to maintain trees.

Spray and inject pesticides; bolt and cable tree limbs.

Respond to requests and inquiries from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and techniques used in the tree trimming and maintenance.

Uses and purposes of tools and equipment related to tree trimming and maintenance.

Uses and purposes of knots and ropes.

Principles of supervision and training.

Safe work practices.

Ability to:

Lead and train tree maintenance personnel.

Perform skilled tree trimming and maintenance work.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner.

Climb trees with the aid of ropes and gaffs, to maintain trees.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Establish and maintain cooperative working relationships with those contacted in the course of work.

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.

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 performing tree trimming and maintenance duties.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of, or ability to obtain, a valid class B California driver's license by date of hire.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-626

A RESOLUTION APPROVING THE REQUEST OF COFFEE PLAZA BARBER SHOP FOR REFUND OF \$574.59 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of the Coffee Plaza Barber Shop for refund of \$574.59 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 June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-627

A RESOLUTION APPROVING A JOINT POWERS AGENCY AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR A FIXED RATE REFINANCING FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Powers Agency agreement between the City of Modesto and Stanislaus County for a fixed rate refinancing for the Waste-to-Energy Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-628

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING PERMISSION  
TO ESTABLISH A TAXICAB COMPANY IN MODESTO (TASK AND COMPANY, INC.)

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that June 20, 1989, 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 a request for  
permission to establish a taxicab company in Modesto by TASK and Company, Inc.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 6th day of  
June, 1989, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Sutton, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-629

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOSEPHINE THOMPSON FROM THE REHABILITATION LOAN POOL SUBCOMMITTEE, EFFECTIVE JUNE 6, 1989

WHEREAS, Josephine Thompson was appointed a member of the Rehabilitation Loan Pool Subcommittee on February 17, 1987; and

WHEREAS, Josephine Thompson has tendered her resignation from the Rehabilitation Loan Pool Subcommittee, effective June 6, 1989; and

WHEREAS, Josephine Thompson 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 Josephine Thompson from the Rehabilitation 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 Josephine Thompson 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 6th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-630

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE FEDERAL GOVERNMENT TO EXPAND THE MODESTO POLICE DEPARTMENT'S GANG UNIT FOR A MODESTO YOUTH GANG DRUG PREVENTION PROGRAM.

WHEREAS, the City of Modesto desires to file an application for a grant to receive funds made available through the Federal Government, Catalog of Federal Domestic Assistance Number 13-660 entitled "Drug Prevention and Education for Youth Gangs", and

WHEREAS, said grant would allow the Modesto Police Department to include four additional police officers to work in prevention and intervention of gang membership, and

WHEREAS, said application is a competitive grant funding process, and the City of Modesto's 12-month project is eligible to receive a maximum of \$150,000 with a local match of \$50,000 by the City of Modesto, furthermore, second year funding will also be available,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to execute and submit on behalf of the City of Modesto an application to the Federal Government for a grant to receive funds made available through the Federal Government, Catalog of Federal Domestic Assistance Number 13-660 entitled "Drug Prevention and Education for Youth Gangs".

BE IT FURTHER RESOLVED that the City of Modesto agrees to provide all matching funds required for said project, including any amendments thereof, and that said funds will be appropriated as required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-631

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING CANVASS BY CITY CLERK OF A SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF MODESTO ON JUNE 6, 1989, AND DECLARING RESULTS OF SAID ELECTION (MAIL BALLOT ELECTION-MEASURE S DEFEATED).

WHEREAS, the Council of the City of Modesto (herein called the "Council") duly called and ordered held in the City of Modesto (herein called "City") a special municipal election (herein called the "election") for the purpose of submitting to the qualified electors thereof:

MEASURE S

City of Modesto Safety General Obligation Bond Measure

Shall Ord. No. 2654-C.S., adopted by the City of Modesto on March 14, 1989, be approved in order to authorize the issuance of general obligation bonds in the principal amount of thirty-one million three hundred thousand dollars (\$31,300,000) for the purpose of the acquisition, construction and completion of certain public safety improvements consisting of Police and Fire Facilities and all appurtenances thereto as more particularly described in said Ordinance?

and

WHEREAS, the election was held on Tuesday, June 6, 1989, 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 returns of said election have been canvassed in accordance with law and said proceedings and the City Clerk has certified the results of the election to the Council,

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

1. Said canvass as shown by said certification by the City Clerk and the results of the election are hereby ratified, confirmed and approved.

2. At the election, Measure S was submitted to the electors of the City and the number of votes given in the City for and against said Measure S were as follows:

<u>Measure S</u>	<u>Total Votes For</u>	<u>Total Votes Against</u>
City of Modesto Safety General Obligation Bond Measure	14,380	16,438

Less than two-thirds (2/3) of all of the votes cast at the election on Measure S were in favor of said Advisory Measure and said Advisory Measure did not carry and was not approved by two-thirds (2/3) of the qualified voters voting on said Advisory Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, 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, Sutton,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-632

A RESOLUTION ADOPTING AMENDMENTS TO THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE LAND USE AND CIRCULATION ELEMENTS MAP AND TEXT, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE CITY COUNCILS OF THE CITIES OF CERES AND RIVERBANK. (BRET HARTE)

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 (Circulation Element)
- No. 89-579, adopted on May 23, 1989 (Circulation Element)

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, as recommended by the Planning Commission by Resolution No. 65-695 the General Plan was amended by the Modesto City Council on December 21, 1965, and again on August 5, 1974, by Resolution No. 74-561 which included a junior high school in the Bret Harte Neighborhood, and

WHEREAS, the Planning Commission, adopted Resolution No. 76-236, on December 21, 1976, to amend the General Plan to delete a junior high school designation as the Modesto City Elementary School District indicated it did not feel it was necessary to build a junior high school in the Bret Harte Neighborhood, and

WHEREAS, the City Council upheld the Planning Commission's recommendation to amend the General Plan to delete the school site designation

from the Bret Harte Neighborhood by adopting Resolution No. 77-724 on July, 11, 1977, and

WHEREAS, the Planning Commission adopted Resolution No. 88-70 at a special meeting on June 20, 1988, to recommend denial of the request of the Modesto City Elementary School District for amendment of the General Plan Map to include a proposed school site on the basis that the site did not comply with the General Plan and an environmental analysis had not been completed, and

WHEREAS, a Notice of Determination for the proposed school site was filed on November 1, 1988, after a Modesto City School District Board action to approve a Negative Declaration on October 24, 1988, in compliance with the California Environmental Quality Act, and

WHEREAS, the Planning Commission by Resolution No. 89-57, adopted on April 17, 1989, has approved and recommended to the City Council that the General Plan Map should be amended to include a junior high school site in the Bret Harte Neighborhood, and

WHEREAS, the City Council set a public hearing for said amendment to be held on May 23, 1989, which public hearing was continued to June 13, 1989, at 7:30 p.m., in the City Council Chambers, in City Hall, Modesto, California, as required by law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the adoption of an amendment to the General Plan Map be amended in the public interest for the following reasons:

1. Adoption of proposed amendment will assure that the Bret Harte Neighborhood shall be served by adequate junior high school facilities and negate the need for students in this neighborhood to be bused elsewhere.
2. Adoption of proposed amendments are consistent with the Land Use Element of the General Plan which sets forth objectives,

principles and implementation guidelines for public facilities, including schools.

BE IT FURTHER RESOLVED by the Council that it does hereby adopt an amendment to the Modesto Area General Plan Map to include a school site in the Bret Harte Neighborhood as approved by the Planning Commission, as shown on the attached Exhibit "A" which is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Sutton, 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,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

# MODESTO URBAN AREA GENERAL PLAN

EXHIBIT "A"

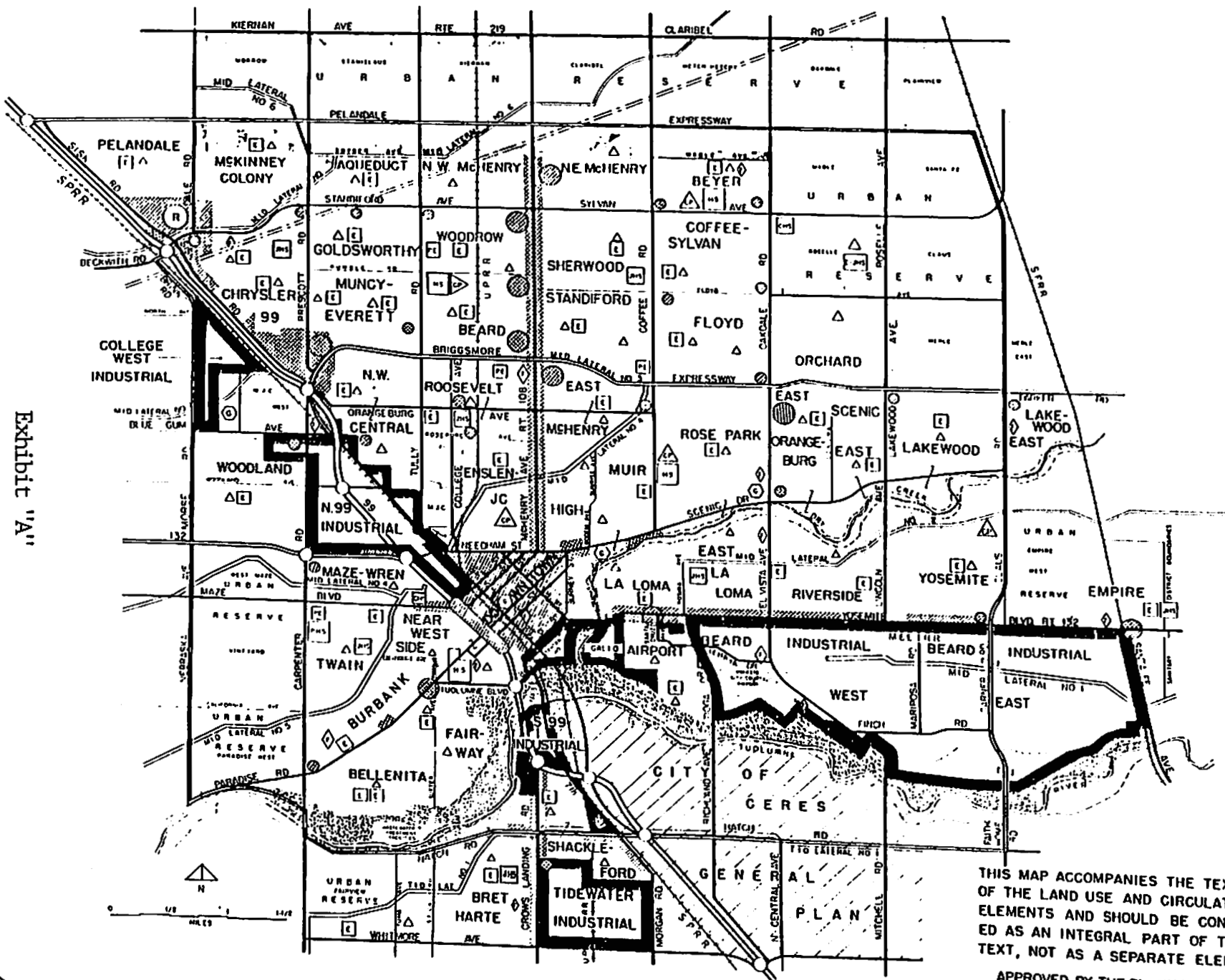


Exhibit "A"

- 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 (ADUUCT)
  - 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 JAN. 4, 1988

APPROVED BY THE CITY COUNCIL ON FEB. 23, 1988

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-633

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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. 88-885, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the City staff has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing June 15, 1989, and

WHEREAS, June 13, 1989, at 7:30 p.m. 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,

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 June 15, 1989, until revised by the City Council.

BE IT FURTHER RESOLVED, that any person who has prepaid garbage service charges for commercial detachable container garbage services 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. 88-885 is hereby superseded, effective June 14, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

STANDARD CONTAINERS  
Monthly Rates  
(Once a Week Pickup Service)

One 60 gallon container	\$5.28
One 90 gallon container	7.35
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 Director of Public Works shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY  
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>
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 \$2.00 subsidized rate paid by the City of Modesto.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-634

A RESOLUTION AUTHORIZING THE FILING OF AN AMENDMENT TO 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 13th day of June, 1989, 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, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-635

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 (ROY E. CHIPPS, 802 SANTA CRUZ AVE. \$3,763)

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 \$3,763.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,763.00, 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 7 of Block 2071 of Hillside Tract as per map filed Nov. 20, 1944, in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4606)

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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-636

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 (RUBEN MORALES, 1316 MONTEREY AVE., \$1,214)

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 \$1,214.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,214.00, 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 6 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944, in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.


(Stan. Cty. Assessor's Parcel No. 035-4607)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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:	Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Irizarry, McGrath

ATTEST:   
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-637

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 (SHIRLEY GARRITY, 1320 MONTEREY AVE., \$1,425)

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 \$1,425.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,425.00, 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 5 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4608)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-638

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 (DONNA M. DURLING, 1324 MONTEREY AVE., \$1,230)

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 \$1,230.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,230.00, 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 4 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4609)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-639

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 (RODNEY C. AND MARCIA A. BONNELL, 1328 MONTEREY AVENUE, \$1,264)

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 \$1,264.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,264.00, 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 3 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4610)

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 13th day of June , 19 89 , 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-640

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 (RICHARD HODNETT, 1336 MONTEREY AVE., \$2,034)

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 \$2,034.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,034.00, 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 2 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944, in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4611)

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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-641

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 (ODILON V. AND GUILLERMINA RODRIQUEZ, 1402 MONTEREY AVENUE, \$1,797.00)

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 \$1,797.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,797.00 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 27 of Bl. 2110 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4642)

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 13th day of June , 19 89 , 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-642

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 (ELMA A. BLAKELY, 1414 MONTEREY AVENUE, S1,130)

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 \$1,130.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,130.00, 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 25 of Bl. 2110 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4644)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-643

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 (FRED AND JUANITA SULLIVAN, 1418 MONTEREY AVENUE, \$2,167)

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 \$2,167.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,167.00 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:

Lots 1 and 2 of Bl. 2110 of Victory Tract as per map filed Dec. 27, 1943 in Vol. 14 of Maps, Pg. 24, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4701)

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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-644

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 (MARK L. MORPHY, 1502 MONTEREY AVE., \$1,452)

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 \$1,452.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,452.00, 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 1 of Bl. 2111 of Victory Tract as per map filed Dec. 27, 1943 in Vol. 14 of Maps, Pg. 24, Stan. Cty. Records.

(Stan. Cty. Assessors Parcel No. 035-4702)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-645

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 (EFFIE BEEKS, 1508 MONTEREY AVENUE, \$1,434)

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 \$1,434.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,434.00, 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 2 of Bl. 2111 of Victory Tract as per map filed Dec. 27, 1943 in Vol. 14 of Maps, Pg. 24, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4703)

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 13th day of June, 19 89, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-646

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 (EFIGINIA IRIZARRY, 1634 MONTEREY AVE., \$2,011)

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 \$2,011.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,011.00, 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:

The South 203.4 ft. of the North 243.4 ft. of the West 108 ft. of the East 139.85 ft. of Lot 6 of La Rio Park Tract as per map filed July 18, 1910 in Vol. 5 of Maps, Pg. 9, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4803)

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 13th day of June , 19 89 , 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-647

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 (JOEL ZUNIGA, 1708 MONTEREY AVE., S3,069)

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 \$3,069.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,069.00, 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:

Lots 13 and 14 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. 035-4924)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-648

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 (JOHN VALDEZ, 1710 MONTEREY AVE., \$1,009)

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 \$1,009.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,009.00, 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 15 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. 035-4903)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-649

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 (ROBERTO G. BAUTISTA, 1714 MONTEREY AVE. \$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, 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

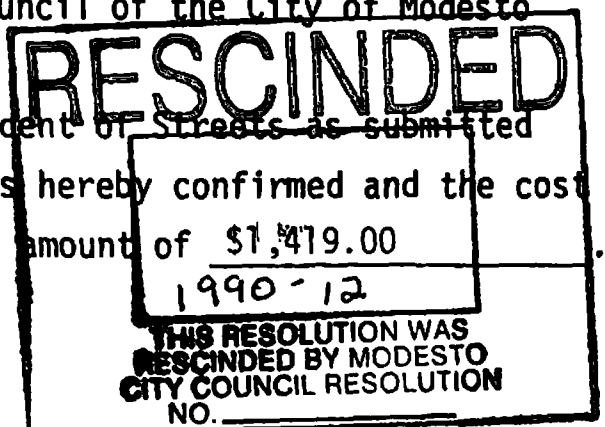
WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalks \_\_\_\_\_ on property abutting the property hereafter described; and

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 \$1,419.00



SECTION 2. That the cost of the aforesaid work, being the amount of \$1,419.00, 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. 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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-650

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 (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

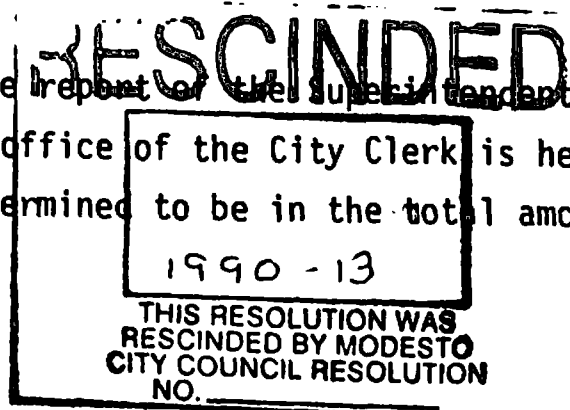
WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalks \_\_\_\_\_ on property abutting the property hereafter described; and

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, 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. 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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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:	Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-651

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 (FRANCISCO C. AVILA, 1726 MONTEREY AVE. \$1,367)

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 \$1,367.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,367.00, 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 19 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. 035-4907)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-652

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 (JOSE G. SALAS, 1734 MONTEREY AVE., \$1,279)

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 \$1,279.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,279.00, 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 21 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. 035-4909)

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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-653

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 (HARLIN HARRIS, 1738 MONTEREY AVE., \$1,292)

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 \$1,292.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,292.00, 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 22 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. 035-4910)

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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-654

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 (JOE R. MURRAY, 1742 MONTEREY AVE., \$1,226)

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 \$1,226.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,226.00, 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 23 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. 035-4911)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-655

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 (JAIME FONSECA, 1746 MONTEREY AVE., \$1,495)

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 \$1,495.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,495.00, 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 24 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. 035-4912)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-656

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 (RONALD A. RESH, 1307 MONTEREY AVE., \$1,475)

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 \$1,475.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,475.00, 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:

The West 65.50 ft. of Lot 14 and the West 131.00 ft. of Lot 15 of Bl. 4 of Sierra Subdivision as per map filed Feb. 20, 1930 in Vol. 11 of Maps, Pg. 15, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4312)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-657

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 (LLOYD BRISCOE, 1311 MONTEREY AVE., \$1,391)

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 \$1,391.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,391.00, 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:

The East 65.50 ft. of the West 131.00 ft. of Lot 14 of Bl. 4 of Sierra Subdivision as per map filed Feb. 20, 1930 in Vol. 11 of Maps, Pg. 15, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4313)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-658

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 (ALVYA A. STOHLER, 1319 MONTEREY AVE., \$1,040)

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 \$1,040.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,040.00, 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:

The East 46.51 ft. of Lots 12 and 13 of Bl. 4 of Sierra Subdivision as per map filed Feb. 20, 1930 in Vol. 11 of Maps, Pg. 15, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4338)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-659

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 (GUADALUPE ESPINOZA, 747 KERR AVE., \$3,213)

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 \$3,213.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,213.00, 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 13 of Bl. 2076 of Sierra Subd. No. 2 as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4485)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-660

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 (LEO THARP, 747 THRASHER AVE., \$3,240)

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 \$3,240.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,240.00 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 13 of Bl. 2108 of Sierra Subd. No. 2 as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4440)

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 13th day of June , 1989 , 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-661

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 (BIPAN K. KOCHHAR, 1611 MONTEREY AVE., \$4,583)

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 \$4,583.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$4,583.00, 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:

Lots 14 and 15 of Bl. 2116 of Sierra Subd. No. 2 as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 035-4463)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-662

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 (ABELARDO AND MARIE MORALES AND FREDRICK AND DIANE MORALES, 1711 MONTEREY AVE., S4,884)

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 \$4,884.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$4,884.00, 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:

The South 46.4 ft. of the West 200 ft. of Lot 9 of Bl. 2141 of Sierra Subd. as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4564)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-663

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 (ROBERT J. MEISENBACH, 1719 MONTEREY AVE., S3,737)

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 \$3,737.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$3,737.00, 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:

The South 46.4 ft. of the East 182.5 ft. of the West 402.5 ft. of Lot 9. of Bl. 2141 of Sierra Subd. as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 035-4518)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 13th day of June, 1989, 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: Lang, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Irizarry, McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-664

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FROM CONTINGENCY RESERVE TO PARTIALLY COVER MODIFICATIONS OF TRAFFIC SIGNAL CONTROLLERS FOR THE FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROGRAM**

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

FROM: Gas Tax Contingency Reserves: \$20,000  
(070 800 8000 8003)

TO: FETSIM Project: \$20,000  
(070 160 G285 6000)

A Fuel Efficient Traffic Signal Management (FETSI,) grant for up to \$100,000 to synchronize 23 intersections has been awarded to the City. This transfer is needed as the agreement for the FETSIM project only covers \$55,000 for the contracted signal modification work. The low bid to do the signal modification work was \$15,000 over the amount in the agreement. Another \$5,000 is being added for contract administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: McGrath

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-665

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL CO. FOR MODIFICATIONS OF TRAFFIC SIGNAL CONTROLLERS FOR FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROGRAM

WHEREAS, Resolution No. 89-583 , adopted by the Council of the City of Modesto on May 23, 1989 , approved the plans and specifications for the traffic signal modifications at six intersections to allow for time-based coordination for the(FETSIM)fuel efficient traffic signal management program and authorized the calling for bids; and

WHEREAS, the bids received for the modifications of traffic signal at six intersections to allow for time-based coordination for the FETSIM project were opened at 11:05 a.m. on June 6, 1989 , 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 \$69,900 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 \$69,900 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 June , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-666

A RESOLUTION ACCEPTING THE BID OF CENTURY INDUSTRIES, INC. FOR FURNISHING ONE MOBILE PLATFORM/STAGE

WHEREAS, Resolution No. 89-539, adopted by the Council of the City of Modesto on May 9, 1989, approved the plans and specifications for the purchase of one mobile platform/stage

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one mobile platform/stage

were opened at 3:05 p.m. on May 30, 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 Century Industries, Inc. in the amount of \$23,915 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Century Industries, Inc. in the amount of \$23,915 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 June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-667

A RESOLUTION ACCEPTING THE BID OF GLEN WILSON TRUCKING, INC. AND BROWN SAND COMPANY FOR FURNISHING ROCK, SAND AND GRAVEL ANNUAL REQUIREMENTS

WHEREAS, Resolution No. 89-523 , adopted by the Council of the City of Modesto on May 2, 1989 , approved the plans and specifications for the annual requirements of rock, sand and gravel

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of the annual requirements of rock, sand and gravel

were opened at 3:15 p.m. on May 23, 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 Glen Wilson Trucking, Inc. and Brown Sand Company for a total of \$26,560 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Glen Wilson Trucking, Inc. and Brown Sand Company for a total of \$26,560 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 June , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:

*Nurrine Coyle*  
NURRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-668

A RESOLUTION ACCEPTING THE BID OF TURLOCK READY MIX FOR FURNISHING THE ANNUAL REQUIREMENTS OF READY MIX CONCRETE

WHEREAS, Resolution No. 89-522 , adopted by the Council of the City of Modesto on May 2, 1989 , approved the plans and specifications for the annual requirements of ready mix concrete

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of the annual requirements of ready mix concrete were opened at 3:10 p.m. on May 23, 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 Turlock Ready Mix in the amount of \$13,000 be accepted as the lowest responsible bid.

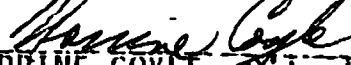
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Turlock Ready Mix in the amount of \$13,000 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June , 19 89 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-669

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR INSTALLING MCHENRY MANSION TRACK LIGHTING AND OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 30, 1989 AT 11:05 A.M.

WHEREAS, bids for installing McHenry Mansion track lighting, were originally held on April 25, 1989, at which time no bids were received; and

WHEREAS, bids were opened again on May 30, 1989, at 11:00 a.m., as authorized by City Council Resolution No. 89-454, adopted on April 4, 1989; and

WHEREAS, the only bid received was submitted by Kirkes Electric and was 29.4 above the engineer's estimate; and

WHEREAS, it is recommended by staff that this bid be rejected and the electrical work be combined with mechanical and electrical work scheduled to be constructed in the next fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the installation of McHenry Mansion track lighting, and opened in the office of the City Clerk on May 30, 1989 at 11:05 a.m., are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-670

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF FERROUS CHLORIDE FROM IMPERIAL WEST CHEMICAL COMPANY

WHEREAS, ferrous chloride is needed to conduct a test field study at the Wastewater Treatment Plant to determine the effectiveness and cost value in using ferrous chloride in odor abatement; and

WHEREAS, an informal bid was done by Purchasing with two sources responding to the bid; and

WHEREAS, due to the need to have this product available soon, it is recommended by staff that formal bids be waived and the ferrous chloride be purchased from the low bidder, Imperial West Chemical.

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

BE IT FURTHER RESOLVED that purchase of ferrous chloride from Imperial West Chemical Company for the total price of \$15,217, 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 June, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-671

A RESOLUTION APPROVING THE FINAL MAP OF THE ADOBE ABODE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Norma E. Johnson, a widow is possessed of a tract of land  
situate in the City of Modesto, County of Stanislaus, consisting of 0.99  
acres, known as the Adobe Abode 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 December, 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 Adobe Abode 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 13th day of June, 1989, 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: Irizarry, Lang, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-672

A RESOLUTION APPROVING AN ESCROW AGREEMENT WITH ALTA PACIFIC CONSTRUCTORS, INC.,  
ON THE STORAGE POND WAVE PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the escrow agreement between the City of Modesto and Alta Pacific Constructors, Inc., to substitute securities in lieu of retention on the Storage Pond Wave Protection Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-673

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.

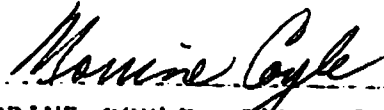
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-674

A RESOLUTION AMENDING SECTIONS 7.5(g), 7.6 AND 7.8 OF THE PERSONNEL RULES RELATING TO THE METHOD OF FILLING VACANCIES, AMENDING SECTION 10.2 OF THE PERSONNEL RULES RELATING TO DEMOTIONS AND SUSPENSIONS, AND AMENDING SECTIONS 13.1(b) AND 13.8 OF THE PERSONNEL RULES RELATING TO ATTENDANCE AND LEAVES.

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 Sections 7.5(g), 7.6 and 7.8 of the Personnel Rules relating to the Method of Filling Vacancies, Section 10.2 of the Personnel Rules Relating to Demotions and Suspensions, and Sections 13.1(b) and 13.8 of the Personnel Rules relating to Attendance and Leaves, be amended, and

WHEREAS, at its meeting of June 13, 1989, the City Council considered said amendments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Sections 7.5(g), 7.6 and 7.8 of the Personnel Rules relating to the Method of Filling Vacancies, Section 10.2 of the Personnel Rules Relating to Demotions and Suspensions, and Sections 13.1(b) and 13.8 of the Personnel Rules relating to Attendance and Leaves, shall be amended to read as attached hereto, marked Exhibits A, B and C, respectively, 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 13th day of June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto  
PERSONNEL RULES

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.

#### 7.8 Residence Requirement

- (a) All Police Department personnel working in classifications for which safety membership in the Public Employees' Retirement System is required shall reside within a radius of forty-five (45) minutes from the main police station. All Police Department sworn personnel shall become bona fide residents within the above-described limits within one (1) year from the date of their employment.
- (b) The City Manager is authorized to grant exceptions to the above requirements, as to either distance or time, if in his/her judgment, there are extenuating circumstances which warrant such exceptions.

PERSONNEL RULESRULE 10 - DEMOTIONS, SUSPENSIONS10.1 Demotion

The appointing authority may demote an employee whose ability to perform required duties falls below an acceptable standard, or for disciplinary purposes. Upon request of the employee, and with the approval of the appointing authority, demotion may be made to a vacant position as a substitution for lay-off.

10.2 Suspension

The appointing authority or department head may suspend an employee without pay at any time for cause. Suspension without pay may not exceed ninety (90) days in any fiscal year. Suspensions shall be reported immediately to the City Manager and to the Personnel Office.

RULE 13 - ATTENDANCE AND LEAVES

13.1 Hours of Work

- (a) All Employees Except Fire Department Personnel. All full-time City employees except designated Fire Department personnel shall, except as otherwise authorized by the City Manager, work a minimum of forty (40) hours a week, normally to be composed of five (5) consecutive days of eight (8) hours each, not including time taken for meals except as noted herein.

The City Manager may designate certain personnel to work a straight eight (8) hour shift and, in these cases, if the nature of the work makes it advisable, he may further direct that time for one meal each full shift may be considered time worked. Employees may be required to report early or to remain after shift for purposes of briefing or instruction, without compensation.

In addition to "on-the-job" training and other training sessions during the normal working shift, employees are encouraged to take such additional training during off-duty time without compensation as is necessary to obtain and maintain high standards of performance, and provide opportunity for advancement within the city service.

The days and hours to be worked by each employee and the type of training shall be established by his/her department head.

- (b) All Fire Department Personnel working in a class for which safety membership in the Public Employees' Retirement System is required shall be on duty an average minimum of fifty-six (56) hours a week, except that:
- (1) The Fire Chief, and Fire Division Chiefs (assigned as Fire Marshal, Administrative Chief, Operations Chief, and Training Chief) shall be on duty forty (40) hours per week; and
  - (2) With the approval of the Fire Chief, the Fire Marshal may establish flexible working hours for the Fire Prevention Bureau, which meets the requirements of the Bureau, provided that eighty (80) hours are worked each pay period.

The regular hours and days of duty shall be established by the Fire Chief.

### 13.2 Overtime

The City Manager shall establish administrative rules governing overtime, including call back and stand-by duty.

### 13.3 Holidays (amended 1-13-87)

- (a) The City normally observes the following as paid holidays:  
January 1 (New Year's Day)  
Third Monday in January (Dr. Martin Luther King, Jr. Day)  
Third Monday in February (Washington's Birthday)  
Last Monday in May (Memorial Day)  
July 4 (Independence Day)  
First Monday in September (Labor Day)  
September 9 (Admission Day)  
November 11 (Veteran's Day)  
Thanksgiving Day  
Friday after Thanksgiving Day  
December 25 (Christmas Day).
- (b) Any City employee who is required to work on a holiday shall follow the P.A.O. on holidays and overtime (Effective 7-1-79).
- (c) When a holiday falls on Sunday, the following Monday will be observed instead. If a holiday listed in (a) above falls on a Saturday or on a regularly scheduled day off for employees who work a schedule other than Monday through Friday, all employees except employees on a per diem or hourly basis shall be entitled to equivalent time off and/or compensation as provided in the administrative orders issued pursuant to sub-paragraph (b) above. It is the intent of this provision that all employees except employees on a per diem or hourly basis, shall be allowed the same number of holidays each year regardless of the day of the week on which the holiday falls.

### 13.4 Vacations

The City Manager is hereby authorized to issue written administrative orders to establish procedures and practices governing vacation leave.

### 13.5 Sick Leave

The City Manager is hereby authorized to issue written administrative orders to establish procedures and practices governing sick leave accrual, sick leave usage, and cash out of sick leave at time of separation.

### 13.6 Other Leaves

- (a) Bereavement. Up to three (3) days of bereavement leave shall be granted for death of an immediate family member.

- (b) Jury. An employee summoned to jury duty shall be granted leave from duty with full pay. Except for travel expense, the jury fees shall be remitted to the City.
- (c) Military. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.
- (d) Campaign. Upon becoming a candidate for public office, any regular employee may request and may be granted a leave of absence without pay to remain in effect for the period of his candidacy.
- (e) Disability. The appointing authority may require an employee whom he/she believes may be physically or mentally incapacitated for work to be examined by a designated physician and may require the employee to take leave of absence. Any accrued sick leave may be used.
- (f) Leave of Absence. Upon written request, the appointing authority may grant an employee a leave of absence without pay for a definite period not to exceed one year. Upon expiration of leave, the employee shall be reinstated in the position held at the time the leave was granted, or to another position in the same class. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice for return to duty, shall be cause for a dismissal.
- (g) Subpoena Duty. An employee who is subpoenaed, or required to appear in court as a witness, shall show his/her subpoena to his/her department head. The time the employee is away from his/her regular duties may be regular paid time if his/her serving as a witness is deemed to be his/her duty as a city employee. Regular paid time shall not be granted for time spent in court on personal cases in which the employee is an interested party, and the case is not connected with his/her official city duty.

### 13.7 Attendance

Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department or division to which they are assigned.

Each department shall keep daily records of all employees.

### 13.8 Absence Without Leave

Unauthorized absence without leave by an employee shall be considered to be without pay, and reductions in the employee's pay shall be made accordingly.

Failure on the part of an employee, absent without leave, to return to duty within forty-eight (48) hours after notice to return shall be grounds for termination of employment. Such termination shall not be subject to appeal.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-675

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,540 TO PROVIDE FUNDING FOR THE SOVIET STUDENT VISIT JUNE 12 - JULY 2, 1989

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

FROM:	General Fund Reserves	\$1,000.00
	Donation Account	300.00
	Sales Account	1,240.00
TO:	International Friendship Committee	\$2,540.00

The funds in the donation and sales account are monies the students have raised in the past six months to help fund the expenses for a three week visit of Soviet students and chaperones. Additional funds are needed and are requested from the General Fund Reserve account. Money will pay for trip to Disneyland, S.F., Sacramento, meals, theater tickets and related expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-676

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LILLIAN L. CROSLIN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE NORTH SIDE OF INYO AVENUE BETWEEN DALLAS AVENUE AND MT. OSO WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lillian L. Croslin for sewer service to property outside City limits on the north side of Inyo Avenue between Dallas Avenue and Mt. Oso Way

be, and it is hereby approved.

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

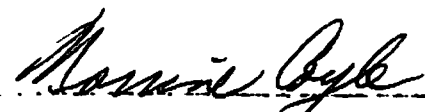
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-677

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLAUDE W. & KELLY A. HAUGEN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE SOUTH SIDE OF CALIFORNIA AVENUE BETWEEN PANAMA DRIVE AND MID LATERAL NO. 5

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Claude W. and Kelly A. Haugen for sewer service to property outside City limits on the south side of California Avenue between Panama Drive and M.I.D. Lateral No. 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 13th day of June , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-678

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANTHONY JOSEPH AVILA FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE WEST SIDE OF YELLOWSTONE AVENUE BETWEEN TEMPERATE AVENUE AND WOODLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Anthony Joseph Avila for water service to property outside City limits on the west side of Yellowstone Avenue between Temperate Avenue and Woodland Avenue

be, and it is hereby approved.

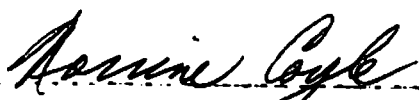
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-679

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE A. RUGGIERO FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS ON THE SOUTH SIDE OF KANSAS AVENUE BETWEEN CARPENTER ROAD AND ROSEMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George A. Ruggiero for water service to property outside City limits on the south side of Kansas Avenue between Carpenter Road and Rosemore 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 13th day of June , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-680

A RESOLUTION APPROVING A SOFTWARE LICENSE AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN MANAGEMENT SYSTEMS, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the software license and maintenance agreement with American Management Systems, Inc. be, and it is hereby approved.

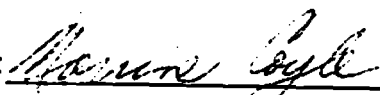
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989. by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-681

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER REPORT  
OF 1989 CHARTER REVIEW COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that July 18, 1989 , 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 the report of the 1989  
Charter Review Committee.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-682

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(453), AS PHASE II TO P-D(453). (P & R ENTERPRISES)

WHEREAS, on October 4, 1988, by Ordinance 2514 C. S., the City Council approved 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

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by P & R Enterprises on April 26, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, as Phase II to the approved elderly housing project, a 1.26 acre parcel located on the north side of Houser Lane and east of Wilma Drive, described as follows:

All that certain real property situate in a portion of the Southwest 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, described as follows:

Beginning at the Southeast corner of Carpenter Villas No. 2 Subdivision, according to the official maps thereof, filed in the office of the Recorder of Stanislaus County, California, on February 3, 1988, in Volume 32 of Maps, Page 63, said corner also lying on the west line of the Hacienda Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 27, 1980, in Volume 29 of Maps, Page 10; thence along the South line of said Carpenter Villas No. 2, South 89° 48' 00" West 416.73 feet to the Northeast corner of Parcel 2 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California on March 16, 1973, in Volume 16 Parcel Maps, at Page 54 and the True Point of Beginning of this description; thence Southerly 84.00 feet more or less; thence Easterly 113.00 feet; thence Southerly 220.00 feet to the center line of original 40.00-foot-wide Houser Lane; thence along said centerline Westerly 190.29 feet; thence Northerly 170.00 feet; thence Westerly 80.00 feet to the West line of said Parcel 2; thence along said West line Northerly 137.00 feet more or less to the South line of Carpenter Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County,

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-682

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(453), AS PHASE II TO P-D(453). (P & R ENTERPRISES)

WHEREAS, on October 4, 1988, by Ordinance 2514 C. S., the City Council approved 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

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by P & R Enterprises on April 26, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, as Phase II to the approved elderly housing project, a 1.26 acre parcel located on the north side of Houser Lane and east of Wilma Drive, described as follows:

All that certain real property situate in a portion of the Southwest 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, described as follows:

Beginning at the Southeast corner of Carpenter Villas No. 2 Subdivision, according to the official maps thereof, filed in the office of the Recorder of Stanislaus County, California, on February 3, 1988, in Volume 32 of Maps, Page 63, said corner also lying on the west line of the Hacienda Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 27, 1980, in Volume 29 of Maps, Page 10; thence along the South line of said Carpenter Villas No. 2, South 89° 48' 00" West 416.73 feet to the Northeast corner of Parcel 2 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California on March 16, 1973, in Volume 16 Parcel Maps, at Page 54 and the True Point of Beginning of this description; thence Southerly 84.00 feet more or less; thence Easterly 113.00 feet; thence Southerly 220.00 feet to the center line of original 40.00-foot-wide Houser Lane; thence along said centerline Westerly 190.29 feet; thence Northerly 157.00 feet; thence Westerly 80.00 feet to the West line of said Parcel 2; thence along said West line Northerly 149.90 feet more or less to the South line of Carpenter Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County,

California, on October 14, 1987, in Volume 32 of Maps, Page 31; thence along said South line North 89° 48' 00" East 157.29 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on May 22, 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. 89-70, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reason:

That the proposed zone change is in accordance with community objectives as set forth in the General Plan, which provides among other things that there be a variety of housing types in all neighborhoods of the City.

and

WHEREAS, after a public hearing held on June 20, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of P & R Enterprises for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 89-70 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2674 -C.S. on the 20th day of June, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(453), as Phase II to P-D(453).

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(453), as Phase II to P-D(453) is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Senior Citizen Complex" as amended in red, stamped approved by the Planning Commission on May 5, 1989.
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. Six-foot wood fence with decorative masonry pilasters around the project periphery.
  - b. Three to three and one-half foot fences separating patio areas from other open space.
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 Houser Lane to collector street standards. 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. The Houser Lane 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.
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 issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Houser Lane frontage. The number shall be as determined by the Public Works and Transportation Director.
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.
14. 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.
15. All utilities shall be underground and cable television service shall be stubbed into all units.
16. The developer shall, in a manner approved by the City Attorney, provide a vehicular and pedestrian access easement for on-site traffic circulation between the two parcels in P-D(453) or the two parcels shall be merged.
17. 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.
18. Vehicle accessways shall also meet fire department standards as approved by the Fire Marshall.
19. The complex shall be served with water service and sewer service as approved by the Public Works and Transportation Director.
20. All signs shall comply with the sign requirements of the R-1 Zone.
21. Prior to the issuance of a building permit for any structure, a parcel map shall be recorded.
22. 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.

23. 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(453), as Phase II to P-D(453):

The entire construction program be accomplished in two phases:

Phase I - Construction to begin on or before September 6, 1990, and completion to be not later than September 6, 1991.

Phase II - Construction to begin on or before September 6, 1991, and completion to be not later than September 6, 1992.

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(453), as Phase II to P-D(453) 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 June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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 Nichols  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-683

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 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(453), AS PHASE II TO P-D(453). (P & R ENTERPRISES)

WHEREAS, on June 20, 1989, the City Council introduced Ordinance No. 2674-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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(453), as Phase II to P-D(453), property located on the north side of Houser Lane and east of Wilma 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,

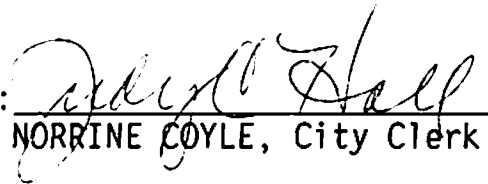
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(453), as Phase II to P-D(453), property located on the north side of Houser Lane and east of Wilma Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-684

A RESOLUTION DENYING THE REQUEST OF PAUL HOLTZCLAW, P & R ENTERPRISES, FOR A REDUCTION IN CAPITAL FACILITIES FEES RELATING TO THE HOUSER GLEN SENIOR APARTMENTS, PHASE II.

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, in September 1988, P & R Enterprises was granted approval by Planning Commission Resolution No. 88-102 adopted on September 6, 1988, to construct Phase I of an elderly housing project on Houser Avenue consisting of 44 units, and

WHEREAS, Capital Facilities Fees are currently set forth in Resolution No. 89-373 which was adopted on February 28, 1989, and which became effective sixty days after its adoption, April 29, 1989, and

WHEREAS, the Planning Commission approved Phase II on May 8, 1989, for 32 additional units, for a total active project of 76 units, and

WHEREAS, Phase II was considered by the Council concurrently with this matter at its meeting of June 20, 1989, and at which time the Council adopted Ordinance No. 2674-C.S. amending Section 31-3-9 of the Zoning Map to

rezone from R-1 to P-D(453), as Phase II, property located on the north side of Houser Lane and east of Wilma Drive, and adopted Resolution No. 89-682 approving the Development Plan and Resolution No. 89-683 Certifying Review of Environmental Assessment giving approval to Phase II, and

WHEREAS, P & R Enterprises obtained building permits on April 23, 1989, for Phase I, consisting of 44 units, at the Capital Facilities Fees rate of \$818 per unit as required pursuant to Council Resolution No. 88-649, and

WHEREAS, said Capital Facilities Fees were amended by Council Resolution No. 89-373, effective April 29, 1989, and

WHEREAS, the amended Capital Facilities Fees became effective May 1, 1989, therefore, any permit obtained thereafter by P & R Enterprises for the Houser Avenue Phase II project would be subject to the new Capital Facilities Fees rate of \$1,583.41 per unit as required pursuant to Council Resolution No. 89-373, and

WHEREAS, the recreation building which is being constructed as part of the Phase II project is subject to the Capital Facilities Fees rate of \$1.87 per square foot as required pursuant to Council Resolution No. 89-373, and

WHEREAS, Paul Holtzclaw, P & R Enterprises, by letter dated June 8, 1989, requested that P & R Enterprises be allowed to pay Capital Facilities Fees at the prior rate of \$818 per unit for Phase II because P & R Enterprises is building housing for seniors and low-income people, and P & R Enterprises also requested that the required Capital Facilities Fees for the recreation building which is being constructed as part of the Phase II project be waived, and

WHEREAS, said requests submitted by P & R Enterprises were 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 4:00 p.m., at its meeting of June 20, 1989, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the request of P & R Enterprises to pay Capital Facilities Fees at the prior rate of \$818 per unit for Phase II because P & R Enterprises is building housing for seniors and low-income people, and that the required Capital Facilities Fees for the recreation building which is being constructed as part of the Phase II project be waived should be denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby deny the requests of P & R Enterprises for a reduction in the assessed Capital Facilities Fees for that portion of Phase II of its project consisting of residential units and for a waiver of the Capital Facilities Fees for the recreation building portion of Phase II of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-685

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

WHEREAS, Resolution No. 89-564 , adopted by the Council of the City of Modesto on May 16, 1989 , approved the plans and specifications for the purchase of one truck cab and chassis

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one truck cab and chassis were opened at 3:00 p.m. on June 6, 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 Country Ford Trucks in the amount of \$15,227 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 in the amount of \$15,227 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 June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-686

A RESOLUTION ACCEPTING THE BID OF INGERSOLL-RAND, INC. FOR FURNISHING ONE GAS POWERED AIR COMPRESSOR

WHEREAS, Resolution No. 89-565 , adopted by the Council of the City of Modesto on May 16, 1989 , approved the plans and specifications for the purchase of one new gas powered air compressor

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one new gas powered air compressor

were opened at 3:05 p.m. on June 6, 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 Ingersoll-Rand, Inc. in the amount of \$8,753 be accepted as the lowest responsible bid.

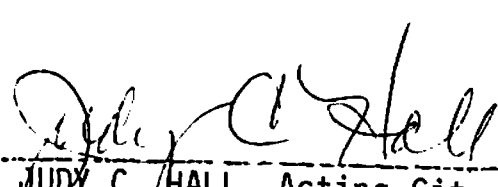
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ingersoll-Rand, Inc. in the amount of \$8,753 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-687

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO CONCO WEST, INC. FOR THE WALKER ROAD WATERLINE PROJECT

WHEREAS, a bid opening was held on June 6, 1989 for construction of a waterline extension on Walker Avenue, at which time, no bids were received; and

WHEREAS, six property owners are relying on one small private well to supply water to their homes and are currently experiencing pressure problems; and

WHEREAS, Conco West, Inc. has indicated they are available to do this work, and staff recommends formal bid procedures be waived and a purchase order be issued to Conco West, Inc. for the Walker Road waterline project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the construction of the Walker Road waterline is hereby waived.


BE IT FURTHER RESOLVED that issuance of a purchase order to Conco West, Inc. in the amount of \$16,765 for the Walker Road waterline project, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-688

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1989-90

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 1989-90 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 20th day of June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: 

JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-689

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF TWO "JAWS OF LIFE" FROM THE SAN DIEGO FIRE EQUIPMENT COMPANY

WHEREAS, the Fire Department has requested the purchase of two "Jaws of Life" to replace equipment that is 12 and 16 years old and becoming less reliable every day and is in a constant state of repair; and


WHEREAS, the San Diego Fire Equipment Company is the only manufacturer of this type of equipment in Northern California that offers immediate repair in this area.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two "Jaws of Life" is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to the San Diego Fire Equipment Company in the amount of \$27,600, for purchase of two "Jaws of Life", is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-690

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$27,600 FROM GENERAL RESERVE TO FUND PURCHASE OF EQUIPMENT FOR THE FIRE DEPARTMENT

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

FROM: General Reserve (010 800 8000 8003)	\$27,600
TO: Extraction Equipment (010 180 1832 5662)	\$27,600

This money is needed to purchase equipment used to extricate trapped victims from auto accidents. The Fire Department's present equipment has deteriorated to a point where it has become unreliable and has put the safety of the community at risk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 19 89, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Sutton

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-691

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE ROBERT WOOD JOHNSON FOUNDATION TO REDUCE THE DEMAND FOR DRUGS AND ALCOHOL IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto desires to file an application for a grant to receive funds made available through the Robert Wood Johnson Foundation entitled Community Initiatives, "Fighting Back" Against Drug and Alcohol Abuse, and

WHEREAS, said grant would allow the City of Modesto to develop an integrated and systematic structure for public awareness, prevention, early intervention, treatment, after care and relapse prevention for drug and alcohol abuse resistance, and

WHEREAS, said application is a competitive grant funding process, and the City of Modesto's 24-month planning project is eligible to receive \$200,000 with the opportunity to receive \$3,000,000 for implementation of the plan in the third year, and

WHEREAS, the community of the City of Modesto is committed through its elected officials, community leaders, educators, health care providers, clergy, social service providers, business leaders, law enforcement and concerned citizens to an organized effort to stem the blight of drug and alcohol abuse by reducing the demand for drugs and alcohol, for our children, for ourselves, and for our community, and

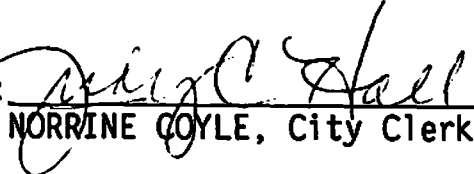
WHEREAS, the Modesto Municipal Government is the lead agency making this planning grant application, which declares its commitment to this drug and alcohol resistance planning effort by assigning a City staff member

(Modesto Personnel Classification Administrative Analyst II) as Project Coordinator and by making support staff available through the office of the City Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to execute and submit on behalf of the City of Modesto an application to the Robert Wood Johnson Foundation for a grant to receive planning grant funds made available through the "Fighting Back" Program, Community Initiatives to Reduce the Demand for Illegal Drugs and Alcohol, a national program of the Robert Wood Johnson Foundation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-692

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW SILVA FOR GOLF PROFESSIONAL SERVICES AT MUNI AND DRYDEN GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Andrew Silva for golf professional services at Muni and Dryden 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.

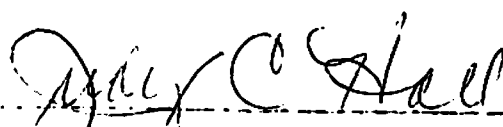
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-693

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNCLE CHARLIE'S GROUP HOME FOR A ONE YEAR DEFERRED LOAN OF \$54,552 TO COVER THE ADDITIONAL COSTS OF AN INDEPENDENT LIVING PROGRAM, UNDER THE 1988-89 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 Uncle Charlie's Group Home for a one year deferred payment loan of \$54,552 to cover the additional costs of an Independent Living Program, under the 1988-89 Community Development Block Grant Program be, and it is hereby approved.

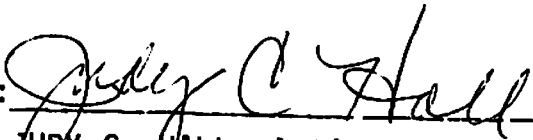
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-694

A RESOLUTION APPROVING THE USE OF CITY-OWNED PROPERTY AT 308 LOCUST STREET, MODESTO, AS A TEMPORARY RELOCATION HOUSE FOR CLIENTS OF THE CITY'S HOUSING REHABILITATION PROGRAMS, ALLOWING THE COMMUNITY DEVELOPMENT PROGRAM MANAGER OR HOUSING PROGRAM SUPERVISOR TO SIGN EACH LEASE WITH THE RELOCATED CLIENTS, AND TO INSURE THE HOUSE FOR LIABILITY UNDER THE CITY'S SELF-INSURANCE POLICY.

WHEREAS, the City Council has resolved that the Housing Rehabilitation Programs are an important part of the City's Community Development Program, and

WHEREAS, the United States Department of Housing and Urban Development, under the Uniform Relocation Act, requires relocation assistance to persons affected by Federal-funded housing programs, and

WHEREAS, the City-owned property at 308 Locust Street, Modesto, is available for short-term use, and will save program costs for use as a temporary relocation unit, and

WHEREAS, for practical purposes, it would be desirable for the Community Development Program Manager or the Housing Program Supervisor to be authorized to sign leases with the relocated clients,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the use of 308 Locust Street, Modesto as a temporary relocation unit for clients of the City's Housing Rehabilitation Programs.

BE IT FURTHER RESOLVED that the Community Development Program Manager or the Housing Program Supervisor be authorized to sign each lease with the relocated clients.

BE IT FURTHER RESOLVED that the City-owned property located at 308 Locust Street be insured for liability under the City's self-insurance policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-695

A RESOLUTION APPROVING AN AMENDED PLOT PLAN TO AN AIRPORT LEASE BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK AVIATION FUEL, INC. TO REVISE THE ACCESS ROAD TO THE PROPOSED FUEL FACILITY AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc., entered into an Airport Lease dated February 21, 1989, and

WHEREAS, City staff has requested that Exhibit C attached to said Airport Lease be amended to amend the plot plan to revise the access road to the proposed fuel facility at the Modesto City-County Airport,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amended plot plan to the Airport Lease between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc. dated February 21, 1989, is hereby approved to revise the access road to the proposed fuel facility at the Modesto City-County Airport, a copy of said amended Exhibit C dated June 7, 1989 is attached hereto and incorporated herein by reference.

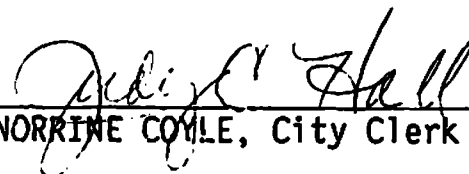
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June,

1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

AREA ACCESS ROAD

CONE

DR

MONTEREY

AVENUE

BONNIE

BRAE

CONNIE

WAY

HILLSIDE

DRIVE

PARKING

PROPOSED ACCESS

PROPOSED REFUELING FACILITY

APPROVED ACCESS

3.

6.

5.

3.

8.

8.

6.

3.

3.

10.

7.

12.

11.

10.

1 A L

RECOMMENDED BY: R.C.S.

DATE

BY

CITY OF MODESTO  
DEPARTMENT OF PUBLIC WORKS  
DIRECTOR

EXHIBIT "C"  
**PROPOSED  
FUEL  
ACCESS**

FLD. BK. & PG.

DATE 6/7/89

DRAWN L.S.

R.E.  
CHECKED

W. O. NO.

FILE NUMBER

17-A-61

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-696

A RESOLUTION APPROVING AN AMENDED GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO CORRECT THE CONTRACT NUMBER ON THE UPDATE OF THE AIRPORT MASTER PLAN

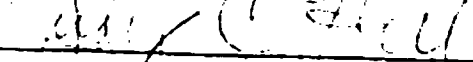
WHEREAS, on June 21, 1988, the City Council, by Resolution No. 88-462, accepted a grant offer from the Federal Aviation Administration for \$45,000.00 to complete a Master Plan update for the Modesto City-County Airport; and

WHEREAS, the Federal Aviation Administration has requested that the grant agreement be amended to reflect the correct contract number which was printed in error on the original grant agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the amended grant agreement with the Federal Aviation Administration to correct the contract number on the update of the Airport Master Plan, and the execution of said amended grant agreement by the City Manager, is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-697

A RESOLUTION APPROVING THE SUBMISSION OF A LETTER OF INTENT TO APPLY FOR PARTICIPATION IN THE CALIFORNIA HEALTHY CITIES PROJECT.

WHEREAS, the City of Modesto would like to be one of the eight designated cities in California to participate in the Healthy Cities Project sponsored by the Western Consortium for Public Health through a contract with the California State Department of Health Services, and

WHEREAS, the City of Modesto would be the lead agency to carry out the one year project, direct funds would not be associated with this project, and on site technical assistance would be available from the Western Consortium, and

WHEREAS, benefits of participation include:

1. An opportunity to become involved in a new, international public health movement among cities and the distinction of being one of only eight selected in California for official recognition;
2. On-site technical assistance for the participating cities' self-determined projects;
3. Assistance with identifying external sources of funds for local Healthy Cities projects; and
4. Rapid transfer of innovative models and technologies for improving community health and livability through participation at Project-sponsored conferences and meetings.

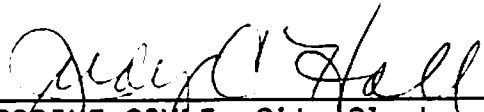
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submission of a Letter of Intent to apply for participation in the California Healthy Cities Project is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-698

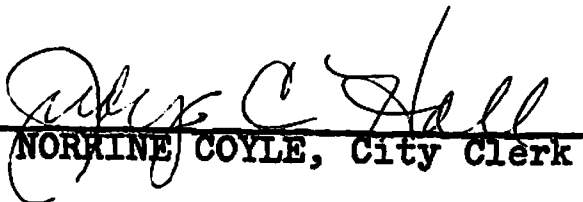
A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL OF DELAMARE-FULTZ, ON BEHALF OF CONTINENTAL METROPLEX, TO A PLANNING COMMISSION DECISION CONCERNING OAKWILDE PLACE VESTING TENTATIVE MAP AND TENTATIVE PARCEL MAP

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 11, 1989, 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 appeal of DeLaMare-Fultz, on behalf of Continental Metroplex, to a Planning Commission decision concerning Oakwilde Place Vesting Tentative Map and tentative parcel map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

  
NORRAINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-699

A RESOLUTION ESTABLISHING PASSENGER FARES FOR BUS SERVICE ON  
MODESTO INTRACITY TRANSIT AND SUPERSEDING RESOLUTION  
NO. 85-440.

BE IT RESOLVED by the Council of the City of Modesto that the follow-  
ing fares are hereby established for passengers riding on the fixed route  
buses of the Modesto Intracity Transit:

A. Cash Fares

- |  |        |
|--|--------|
| 1. Regular Passengers  | \$ .70 |
| 2. Students (age 5 and older<br>and full-time college<br>students)   | \$ .50 |
| 3. Handicapped and Senior Citizens   | \$ .35 |
| 4. Regular passengers riding between<br>9:15 a.m. and 11:15 a.m. on Mondays<br>through Fridays   | \$ .55 |
| 5. Transfer fare for passengers<br>transferring from the Stanislaus<br>County Rural Transit System to<br>Intracity Transit   | \$ .25 |
| 6. Student field trip fare (per<br>student and/or accompanying adult,<br>effective only for elementary or<br>junior high school field trips<br>prearranged in accordance with<br>rules set by the Transit Manager) | \$ .40 |

B. Passes and Tickets

- |                                      |          |
|--------------------------------------|----------|
| 1. Regular Monthly Pass - full month | \$ 27.00 |
| After the 7th of the month           | 20.25    |
| After the 14th of the month          | 13.50    |
| After the 21st of the month          | 6.75     |
| 2. Student Monthly Pass - full month | \$ 19.00 |
| After the 7th of the month           | 14.25    |
| After the 14th of the month          | 9.50     |
| After the 21st of the month          | 4.75     |

- 3. Senior Citizen/Handicapped Monthly Pass - full month \$ 14.00
  - After the 7th of the month 10.50
  - After the 14th of the month 7.00
  - After the 21st of the month 3.50
- 4. All day Bus Pass (all passengers) \$ 1.60
- 5. Commuter Tickets \$ 27.00 for 50 rides
  - (Commuter tickets are valid only between the hours of 6:00 a.m. and 10:00 a.m. and from 4:00 p.m. to 6:00 p.m. every day)
- 6. Regular Passenger Ticket Books \$ 35.00 for 50 rides
- 7. Student Passenger Ticket Books \$ 25.00 for 50 rides

BE IT FURTHER RESOLVED that this resolution shall be effective on and after June 28, 1989, and supersedes Resolution No. 85-440.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of June, 1989, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-700

A RESOLUTION ESTABLISHING PASSENGER FARES FOR DIAL-A-RIDE SERVICE AND SUPERSEDING RESOLUTION NO. 84-305.

BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the City of Modesto's Dial-A-Ride service:

Regular Cash Fare:	\$ 1.25
Elderly and handicapped residing in board and carehomes.	\$ .55
Ticket Books (containing 10 tickets)	\$ 8.00

BE IT FURTHER RESOLVED that Resolution No. 84-305 adopted on May 22, 1984, is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of June, 1989, 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, Mcgrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-701

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 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO R-1. (R.M.S.C., INC.)

WHEREAS, on June 27, 1989, 1989, the City Council introduced Ordinance No. 2675 -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 Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the north side of Hatch Road between Ustick 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 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 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the north side of Hatch Road between Ustick Road and Boise Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of June, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, Sutton

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. 89-702

A RESOLUTION VACATING AND ABANDONING NORTH MORTON BOULEVARD TO MOTORIZED VEHICLES, BETWEEN JENNIE STREET AND THE NEW STATE HIGHWAY 132 IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 89-621 on June 6, 1989, declaring its intention to vacate and abandon North Morton Boulevard to motorized vehicles, between Jennie Street and the new State Highway 132 in the City of Modesto, and

WHEREAS, said North Morton Boulevard between Jennie Street and the new State Highway 132 in the City of Modesto to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate and Abandon Morton Boulevard Bet. Grand Street & Jenny Street LD84-G" dated April, 1989, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 89-621 was published in The Modesto Bee, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Planning and Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, June 27, 1989, 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 closure be made subject to the conditions contained in Planning Commission Resolution No. 86-73, 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 North Morton Boulevard between Jennie Street and the new State Highway 132 in the City of Modesto is unnecessary for present or prospective street purposes, and that the vacation and abandonment instead of a street closure is in the public interest, as the subject right-of-way is no longer needed for vehicle purposes, 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 it hereby orders and declares the vacation and abandonment of North Morton Boulevard to motorized vehicles, between Jennie Street and the new State Highway 132 in the City of Modesto, as shown on the map entitled, "Vacate and Abandon Morton Boulevard Bet. Grand Street & Jenny Street LD84-G", 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 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 North Morton Boulevard to motorized vehicles, between Jennie Street and the new State Highway 132 in the City of Modesto, County of Stanislaus, State of California.

BE IT FURTHER RESOLVED that the Public Works and Transportation Department is hereby directed to install a barricade at the north end of the abandoned right-of-way as shown on map A, a copy of which map is on file in the Office of the City Clerk. Said barricade to be installed after construction of new State Highway 132 is completed and be removed when street improvements are constructed along North Morton Boulevard and Jennie Street.

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 27th day of June, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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:

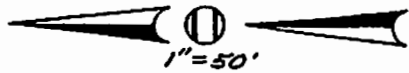
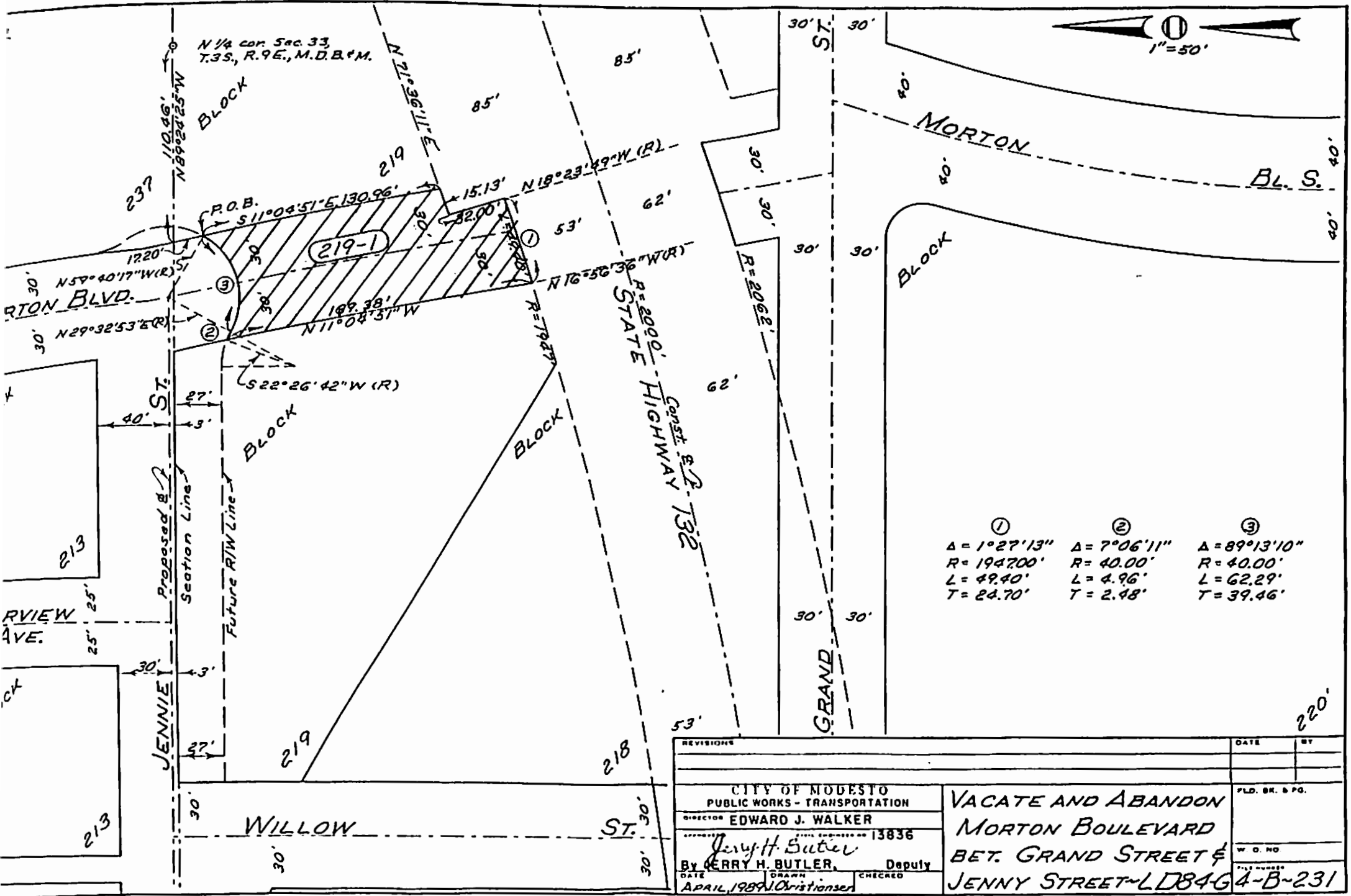
By Jerry H. Butth  
Public Works and Transportation  
Department, Engineering

VACATE AND ABANDON MORTON BOULEVARD BETWEEN  
GRAND STREET AND JENNIE STREET

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of the Northwest quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the North quarter section corner of said Section 33; thence along the North line of Section 33, North  $89^{\circ} 24' 25''$  West, 110.46 feet, to a point on the Eastern line of 60.00 foot Morton Boulevard; thence along said Eastern line of Morton Boulevard, South  $11^{\circ} 04' 51''$  East, 130.96 feet; thence South  $71^{\circ} 36' 11''$  West, 15.13 feet; thence South  $18^{\circ} 23' 49''$  East, 32.00 feet, to a point on a non-tangent curve from which point a radial line bears North  $18^{\circ} 23' 49''$  West; thence Easterly along said non-tangent curve concave to the North, having a Radius of 1947.00 feet, a Central Angle of  $1^{\circ} 27' 13''$  and an Arc Length of 49.40 feet, to a point on the Western line of said 60.00 foot Morton Boulevard from which point a radial line bears North  $16^{\circ} 56' 36''$  West; thence along said Western line of Morton Boulevard, North  $11^{\circ} 04' 51''$  West, 169.38 feet, to a point on a non-tangent curve from which point a radial line bears South  $22^{\circ} 26' 42''$  West; thence Southeasterly along said last mentioned non-tangent curve concave to the Southwest, having a Radius of 40.00 feet, a Central Angle Of  $7^{\circ} 06' 11''$  and an Arc Length of 4.96 feet, to a point of reverse curve from which point a radial line bears North  $29^{\circ} 32' 53''$  East; thence Easterly along said reverse curve concave to the North, having a Radius of 40.00 feet, a Central Angle of  $89^{\circ} 13' 10''$  and an Arc Length of 62.29 feet, to the point of beginning, from which point a radial line bears North  $59^{\circ} 40' 17''$  West.

RESERVING THEREFROM that portion of the above described property lying Easterly of the centerline of 60.00 foot Morton Boulevard as a Public Utilities Easement.



①	②	③
$\Delta = 1^{\circ}27'13''$	$\Delta = 7^{\circ}06'11''$	$\Delta = 89^{\circ}13'10''$
$R = 194700'$	$R = 40.00'$	$R = 40.00'$
$L = 49.40'$	$L = 4.96'$	$L = 62.29'$
$T = 24.70'$	$T = 2.48'$	$T = 39.46'$

REVISIONS		DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION			
DIRECTOR EDWARD J. WALKER			
By <i>Jerry H. Butler</i>		13836	
By GERRY H. BUTLER, Deputy			
DATE APRIL, 1989	DRAWN Christiansen	CHECKED	
VACATE AND ABANDON MORTON BOULEVARD BET. GRAND STREET & JENNY STREET-LD8464-B-231		PLD. BR. & PG.	
		W. O. NO.	
		FILE NUMBER	

RESOLUTION NO. 89-703

UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-704

A RESOLUTION DENYING THE APPEAL FILED BY MID-VALLEY ENGINEERING ON BEHALF OF LORAN CORPORATION TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE NORTH SIDE OF SYLVAN AVENUE BETWEEN OAKDALE ROAD AND CARSON OAK DRIVE, AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Loran Corporation on August 22, 1988, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak Drive, described as follows:

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

Portion of Parcel 1 as shown on that certain parcel map filed on September 24, 1979, in Volume 29 of Parcel Maps, at Page 100, Stanislaus County Records.

Including the east 30.00 feet of Carson Oak Drive, north 50.00 feet of Sylvan Avenue, and west 50.00 feet of Oakdale Road and all immediately adjacent to the above described property.

Excepting the following described property, beginning at the northwest corner of said Parcel 1, thence north 89°23'25" east 347.00 feet, thence south 0°53'09" east 453.26 feet; thence south 89°25'54" west 377.00 feet to the centerline of 60.00 foot wide Carson Oak Drive; thence along said centerline north 0°53'09" west 453.01 feet to the westerly prolongation of the north line of aforementioned Parcel 1; thence along said prolongation, north 89°23'25" east 30.00 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on June 5, 1989, 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. 89-79, and denied the application of Loran Corporation to amend Section 10-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak 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, to Planned Development Zone P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak Drive, was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Loran Corporation, by letter dated June 7, 1989, 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 June 27, 1989, 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 rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak Drive, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 89-79 and quoted below:

1. The proposed 60,000-plus square foot strip commercial project is a poor design featuring an exceptionally long, shallow building along the entire rear portion of the site.

2. The proposed 60,000-plus square foot strip commercial project represents too much commercial development that does not fulfill the future neighborhood commercial needs including a supermarket as called for in the General Plan.
3. The proposed number of on-site parking spaces is insufficient to accommodate the needs that would be generated and any parking spillover could negatively affect adjoining residential areas.

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 mitigated negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mid-Valley Engineering on behalf of Loran Corporation to the decision of the Planning Commission denying the request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak Drive, is denied for the reasons set forth in Planning Commission Resolution No. 89-79 and quoted above, and the decision of the Planning Commission is hereby affirmed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

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 William S. ...  
Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-705

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 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D. (LORAN CORPORATION)

WHEREAS, on June 27, 1989, the City Council adopted Resolution No. 89-704 denying the appeal filed by Mid-Valley Engineering on behalf of Loran Corporation to a Planning Commission decision denying a rezoning from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak 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 10-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to P-D, property located on the north side of Sylvan Avenue between Oakdale Road and Carson Oak Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

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. 89-706

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM AND SONS, INC. FOR THE H.A.C. CURB RAMP PROJECT NO. 6 - MCHENRY AVENUE/ROUTE 108

WHEREAS, Resolution No. 89-580 , adopted by the Council of the City of Modesto on May 23, 1989 , approved the plans and specifications for the H.A.C. Curb Ramp Project No. 6, to complete the remaining portion of McHenry Avenue from Needham Avenue to Roseburg Avenue and authorized the calling for bids; and

WHEREAS, the bids received for the H.A.C. Curb Ramp Project No. 6 - McHenry Avenue/Route 108 were opened at 11:05 a.m. on June 13, 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 Cunningham and Sons, Inc. in the amount of \$60,044.44 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cunningham and Sons, Inc. in the amount of \$60,044.44 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 June , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-707

A RESOLUTION ACCEPTING THE BELLENITA PARK CHAIN LINK FENCE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Bellenite Park chain link fence project

has been completed by Continental Fence Company  
in accordance with the contract agreement dated March 28, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Bellenita Park chain link  
fence project

be accepted from said contractor, Continental Fence Company ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$8,028.40 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 June,  
19 89 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-708

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

WHEREAS, the Planning and Community Development Department has requested the purchase of computer equipment for forming an information/processing network and allowing access to the IBM, Wang, and Hewlett Packard mainframes; and

WHEREAS, Apple Computers, Inc. is the sole source for the purchase of their products.

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 Apple Computer, Inc. in the amount of \$12,355, 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 June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-709

A RESOLUTION ACCEPTING THE BID OF AMERICAN BUILDING MAINTENANCE FOR JANITORIAL SERVICES FOR THE CENTRE PLAZA AND HOUSING PROGRAM OFFICE

WHEREAS, Resolution No. 89-540, adopted by the Council of the City of Modesto on May 9, 1989, approved the plans and specifications for the furnishing of janitorial services to the Centre Plaza and Housing Program Office and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of janitorial services for the Centre Plaza and Housing Program Office were opened at 3:00 p.m. on June 6, 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 American Building Maintenance for janitorial services for the Centre Plaza and Housing Program Office be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Building Maintenance for janitorial services for the Centre Plaza and Housing Program Office 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 June, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-710

A RESOLUTION ACCEPTING THE BID OF MODESTO BUILDING MAINTENANCE FOR JANITORIAL SERVICES FOR AMERICAN LEGION HALL

WHEREAS, Resolution No. 89-540 , adopted by the Council of the City of Modesto on May 9, 1989 , approved the plans and specifications for the furnishing of janitorial services to the American Legion Hall

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of janitorial services to the American Legion Hall were opened at 3:00 p.m. on June 6, 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 Modesto Building Maintenance for janitorial services for American Legion Hall 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 Building Maintenance 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 June , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-711

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$22,000 FROM CONTINGENCY RESERVE TO PROVIDE FUNDING FOR ARCHITECTURAL DESIGN MODIFICATIONS 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 (132 800 8000 8003)	\$22,000
TO:	Fire Station #9 (132 180 P319 6000)	\$22,000

Funds needed for architectural design modifications for Fire Station #9.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1989, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-712

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1988-89 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, 1989.

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 1988-89,

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 1988-89 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 1988-89 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. 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 fiscal year.

Funds No. 131-139 - Capital Facilities Fees

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).

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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 140 - 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 fiscal year.

Funds No. 280-340 - Drainage Areas

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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 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 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1988-89 fiscal year books are closed.

Reserve for Carryover Projects - The amount necessary to complete projects appropriated in the 1988-89 fiscal year but which will be reappropriated in the 1989-90 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 1989-90 fiscal year, and

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 27th day of June, 1989, 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, McGrath, Muratore, Patterson,  
and Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-713

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING ENTERED INTO ON JULY 1, 1989, BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION OF THE CITY OF MODESTO FOR THE FISCAL YEARS 1989-90, 1990-91 AND 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 to be entered into effective on July 1, 1989, and upon approval by the membership of the Modesto Police Officers Association, 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, including the attached 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, 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 30th day of June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 4th day of July, 1989, by and between the management representatives of the City of Modesto (City), and the representatives of the Modesto Police Officers Association (MPOA), after meeting and conferring in good faith.

1. This Memorandum covers the fiscal years 1989-90, 1990-91 and 1991-92, commencing on July 4, 1989 and ending on June 30, 1992, and covers all matters which MPOA has the right to meet and confer with City during said fiscal years.

2. This Memorandum covers the employees in the position classifications of City which MPOA is certified as representing, and MPOA is the formally recognized employee organization which has the exclusive right to represent said employees during the term of this Memorandum.

3. SALARY ADJUSTMENT. Effective July 4, 1989, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These salaries are the result of a 5.0% cost-of-living increase.

Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be increased 6.0%.

During fiscal year 1990-91, City and MPOA shall meet and confer on a salary adjustment for fiscal year 1991-92.

4. PERFORMANCE EVALUATION. By no later than August 1, 1989, City and MPOA shall form a committee to review the performance evaluation system for members of MPOA. The Committee shall be composed of three members appointed by the City and three members appointed by MPOA. Any changes to the system agreed upon by the Committee shall be implemented no later than the start of fiscal year 1990-91.

5. FITNESS STUDY. By no later than August 1, 1989, City and MPOA shall form a committee to study the adoption of physical fitness standards for the classifications represented by MPOA. The Committee shall be composed of three members appointed by the City and three members appointed by MPOA. It is the goal of City and MPOA to complete this study by the end of the 1989-90 fiscal year.

6. RESIDENCY REQUIREMENT. The residency requirement in Personnel Rule 7.8(a) shall be deleted. It is understood and agreed by City and MPOA, though, that certain special assignments and duties may, at the discretion of the Police Chief, require a specified response time on the part of an employee.

7. CATASTROPHIC LEAVE. Effective July 4, 1989 all employees in the Police Department, whether members of MPOA or not, shall be entitled to donate accrued vacation and sick leave to another member of the department, provided that the receiving employee faces a financial hardship due to injury or a prolonged illness and has exhausted all vacation and sick leave. Donations shall be made on a form to be developed by the City and any such donations are irrevocable.

8. 5th PLATOON. Effective July 1, 1989, the City shall have the option to establish a fifth platoon. The 5th platoon shift shall overlap second and third platoons. The City shall exercise this option starting with the August 1989 shift changes.

9. STAGGERED SHIFT STARTS. Effective July 4, 1989, all employees covered by this Memorandum who work on a shift basis shall be subject to staggered starting and ending times for each shift. Beginning with the designated starting times for each shift, each squad which comprises a shift shall begin its on-duty start of shift in thirty (30) minute intervals and shall complete its shift at thirty (30) minute intervals after having completed the regular number of on-duty hours.

10. SPECIAL ASSIGNMENT LIMIT. Beginning with fiscal year 1989-90, any Police Officer in Patrol who is given a special assignment outside of Patrol, shall not continue to perform said assignment for a period of more than five (5) consecutive years from first being assigned.

11. HEALTH PLAN. After receipt of the study of the City's health care plans by the consultant firm of Mercer, Meidinger and Hansen, City and MPOA shall meet and confer on any changes to the health care program and/or related insurances which MPOA has the right upon which to meet and confer. Any negotiated increase in the City contribution toward the optional health plans shall be effective as of July 4, 1989.

12. LONG TERM DISABILITY INSURANCE. Effective as soon as possible after July 4, 1989, all employees in the classifications for which MPOA is certified as representing, shall be covered by the City's long term disability insurance policy.

13. DELETE ASSISTANT SQUAD LEADERS. During fiscal year 1989-90, the City intends to establish a new position of Corporal. Part of the duties of the Corporal position will be those currently performed by Assistant Squad Leaders. Upon recruitment and filling of the Corporal positions, which shall occur no later than September 1, 1989, the requirement for Assistant Squad Leader assignments shall be terminated.

14. MASTER POLICE OFFICER/DETECTIVE. Concurrent with filling of the Corporal positions, the assignments of Master Police Officer and Master Detective shall be created. Master Police Officers and Master Detectives shall be compensated at 5% above step E for Police Officer and Detective, respectively. The criteria and procedures for these assignments shall be as shown on Exhibits C and D.

15. COURT OVERTIME. Beginning with fiscal year 1989-90, P.A.O. 13.2-88-1 shall be amended to provide for a minimum of three (3) hours at time and one-half for a court appearance prior to 12:00 p.m. and a separate minimum three (3) hours at time and one-half for appearance after 1:00 p.m.

Beginning with fiscal year 1991-92, the minimum of three (3) hours at time and one-half for a court appearance prior to 12:00 p.m. and a separate minimum of three (3) hours at time and one-half for a court appearance after 1:00 p.m. shall be increased to four (4) hours.

Beginning with fiscal year 1989-90, employees who have been subpoenaed for a court appearance shall be required to verify that their presence is still needed by checking the calendar posted in the department at the end of their duty day the day before the scheduled appearance and by calling the recorder in the District Attorney's Office or at the Police Department the night before the scheduled appearance. This shall be an uncompensated call. If the scheduled appearance falls during an employee's weekend, they shall be required to check the posted calendar at the end of their last duty day prior to the weekend. If either the calendar or the recorder indicates that the employee is not required to appear as shown on the subpoena, unless otherwise instructed to appear, the employee shall not receive any overtime pay.

16. DETECTIVE STANDBY and CALLBACK. Beginning with fiscal year 1990-91, callback pay for detectives shall be increased from two (2) to three (3) hours minimum at time and one-half.

17. UNIFORM ALLOWANCE. Effective July 4, 1989, the monthly uniform allowance paid to employees covered by this Memorandum shall be increased to \$60.00. Effective July 1, 1990, or the pay period beginning the closest thereto, the allowance shall be increased to \$65.00 per month. Effective July 1, 1991, or the pay period beginning the closest thereto, the allowance shall be increased to \$70 per month.

18. COMPENSATORY TIME OFF. Effective July 1, 1990, the maximum number of hours of compensatory time off which may be recorded under the process in P.A.O. 13.2-88-1, shall be two hundred sixteen (216) hours. Effective July 1, 1991, the maximum shall be two hundred forty (240) hours.

19. NO GRAVEYARD SHIFT OPTION. Effective July 1, 1990, upon reaching the age of forty eight (48), a Police Officer may exercise the option in writing of not working graveyard shift.

20. SICK LEAVE ACCRUAL. Effective July 1, 1990, the maximum accrued sick leave for all employees covered by this Memorandum shall not exceed two thousand (2,000) hours.

21. MPOA TIME BANK. Effective January 1, 1990, each employee covered by this Memorandum shall contribute an equal number of hours or portions thereof of vacation time to create a pool of two hundred forty (240) hours to be used for MPOA business (other than meet and confer and meet and consult items, and routine administrative functions dealing with the City). The pool shall increase to three hundred (300) hours with calendar year 1991 and three hundred sixty (360) hours with calendar year 1992. At the beginning of calendar year 1991, and the beginning of each subsequent year, the amount of hours or portions thereof of vacation time contributed by each employee shall be that amount required to bring the total remaining pool hours to the maximum for the ensuing year. If the City determines that callback is required to replace an employee using the time bank, there shall be a minimum deduction of four (4) hours at time and one-half from the bank.

22. DISCIPLINARY APPEALS PROCEDURE. It is the intent of the City and MPOA that the method of selecting a hearing officer under Personnel Rule 12 be changed with respect to employees covered by this Memorandum. The desired procedure would be for the City to request a list of at least five (5) hearing officers from the Mediation and Conciliation Service of the

State of California. The City and MPOA would alternately strike names from the list until only one name remained and the remaining name would be that of the hearing officer. Both City and MPOA recognize that to make this change requires an amendment to the City Charter. The City agrees to place a charter amendment to this effect on the ballot for decision by the voters in November 1989. Both the City and MPOA will support the ballot amendment. If the ballot amendment fails to pass, no change shall be made in the disciplinary appeals procedure.

As soon as possible after July 1, 1989, a P.A.O. shall be prepared for employees covered by this Memorandum which defines as causes for disciplinary action those causes currently listed in P.A.O. 12.3-88-60 for miscellaneous employees.

23. GRIEVANCE PROCEDURES. As soon as possible after July 4, 1989, Personnel Rule 16 shall be amended with respect to employees covered by this Memorandum to provide for a third step in the formal grievance procedure. After the City Manager review currently provided for in 16.4(b), an employee covered by this Memorandum would have the option of requesting a hearing before a hearing officer. The City would request a list of at least five (5) hearing officers from the Mediation and Conciliation Service of the State of California. The City and MPOA would alternately strike names from the list until only one name remained and the remaining name would be that of the hearing officer. At the conclusion of the hearing, the hearing officer would make recommendations to the City Manager. The decision of the City Manager would be final.

24. SICK LEAVE CREDIT ON TERMINATION/RETIREMENT. Beginning with fiscal year 1991-92, employees covered by this Memorandum, may, on a one-time basis, exercise the option upon retirement from the City after five (5) years of continuous service to have eighty (80%) percent of their unused accrued sick leave up to the maximum of two thousand (2,000) hours, applied by the City after the employee's retirement to premiums for coverage in health insurance plans covered by the City. Said insurance shall be provided in an amount equal to that contributed to the City's self-funded plan at the rate of one (1) month of coverage for each eight (8) hours. It is acknowledged by the City and MPOA that as part of the review of the health plan in fiscal year 1989-90, this provision may be the subject of discussion.

25. COMPREHENSIVE MOU. The City and MPOA agreed to create a comprehensive Memorandum of Understanding which includes the provisions of both this Memorandum and past Memorandums. The date for completion of the comprehensive MOU shall be September 1, 1989.

26. The parties agree that the provisions of this Memorandum shall be applied without favor or discrimination based upon race, religion, color, creed, age, national origin, political affiliation or beliefs, sex or handicap. The parties agree to recognize, respect and support the City's commitment to nondiscrimination in employment as set forth in the City's Affirmative Action program. The Modesto Police Officers Association agrees to encourage its members to assist in the implementation of that program.

27. The Modesto Police Officers Association agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national origin, political affiliation or beliefs, sex, handicap, job classification or employment status.

28. The Modesto Police Officers Association agrees and acknowledges that strikes, sick-ins, slow-downs or other forms of work stoppage or disturbances are detrimental to the responsibility of the Modesto Police Officers Association and its members to insure that high quality service is provided to the people of the City of Modesto. Any such actions are also a violation of this Memorandum. The Modesto Police Officers Association and its members agree not to sanction, support, condone, or engage in any such actions directly or indirectly during the term of this Memorandum.

29. The City of Modesto retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the City of Modesto in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct and control all of the operations and services of the City of Modesto; to determine the methods, means, and organizations by which such operations and services are to be conducted; to assign and transfer employees; to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate existing methods, equipment or facilities.

30. Nothing in this Memorandum shall be construed as abrogating any rights that either party hereto has under the Meet and Confer provisions of the Government Code of the State of California.

31. This Memorandum shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO:

MODESTO POLICE OFFICERS ASSOCIATION:

\_\_\_\_\_  
Michael C. Herrero  
Assistant to City Manager

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Steve Conway  
Business Representative

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Barbara Kissinger-Santos  
Senior Personnel Analyst

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Paul Konsdorf  
President

\_\_\_\_\_  
Dated

\_\_\_\_\_  
David C. Leonardo  
Police Captain

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Denis Holmes  
Vice President

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Vince Sabeau  
Secretary

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Ed Smith  
Treasurer

\_\_\_\_\_  
Dated

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL POLICE CLASSES

Effective July 5, 1989

---

RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective
313	

Exhibit B

SCHEDULE C  
GENERAL POLICE CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
301.0	12.7280	13.3644	14.0326	14.7342	15.4709	1018.24	1069.15	1122.61	1178.74	1237.67	2213.75	2324.44	2440.67	2562.70	2690.82
302.0	13.0462	13.6985	14.3834	15.1026	15.8577	1043.70	1095.89	1150.67	1208.21	1268.62	2269.11	2382.55	2501.67	2626.77	2758.11
303.0	13.3724	14.0410	14.7431	15.4803	16.2543	1069.79	1123.28	1179.45	1238.42	1300.34	2325.83	2442.12	2564.24	2692.45	2827.07
304.0	13.7067	14.3920	15.1116	15.8672	16.6606	1096.54	1151.36	1208.93	1269.38	1332.85	2383.99	2503.17	2628.33	2759.76	2897.75
305.0	14.0494	14.7519	15.4895	16.2640	17.0772	1123.95	1180.15	1239.16	1301.12	1366.18	2443.58	2565.76	2694.06	2828.76	2970.21
306.0	14.4006	15.1206	15.8766	16.6704	17.5039	1152.05	1209.65	1270.13	1333.63	1400.31	2504.67	2629.90	2761.39	2899.44	3044.41
307.0	14.7606	15.4986	16.2735	17.0872	17.9416	1180.85	1239.89	1301.88	1366.98	1435.33	2567.29	2695.64	2830.42	2971.95	3120.55
308.0	15.1296	15.8861	16.6804	17.5144	18.3901	1210.37	1270.89	1334.43	1401.15	1471.21	2631.47	2763.04	2901.19	3046.24	3198.56
309.0	15.5078	16.2832	17.0974	17.9523	18.8499	1240.62	1302.66	1367.79	1436.18	1507.99	2697.23	2932.11	2973.71	3122.40	3278.52
310.0	15.8955	16.6903	17.5248	18.4010	19.3211	1271.64	1335.22	1401.98	1472.08	1545.69	2764.67	2902.90	3048.04	3200.45	3360.48
311.0	16.2929	17.1075	17.9629	18.8610	19.8041	1303.43	1368.60	1437.03	1508.88	1584.33	2833.79	2975.47	3124.25	3280.46	3444.49
312.0	16.7002	17.5352	18.4120	19.3326	20.2992	1336.02	1402.82	1472.96	1546.61	1623.94	2904.64	3049.87	3202.36	3362.48	3530.61
313.0	17.1177	17.9736	18.8723	19.8159	20.8067	1369.42	1437.89	1509.78	1585.27	1664.54	2977.26	3126.12	3292.41	3466.54	3648.88
314.0	17.5456	18.4229	19.3440	20.3112	21.3268	1403.65	1473.83	1547.52	1624.90	1706.14	3051.68	3204.25	3364.46	3532.70	3709.32
315.0	17.9842	18.8834	19.8276	20.8190	21.8600	1438.74	1510.67	1586.21	1665.52	1748.80	3127.96	3284.35	3448.58	3621.01	3802.07
316.0	18.4338	19.3555	20.3233	21.3395	22.4065	1474.70	1548.44	1625.86	1707.16	1792.52	3206.15	3366.46	3534.78	3711.54	3897.12
317.0	18.8946	19.8393	20.8313	21.8729	22.9665	1511.57	1587.14	1666.50	1749.83	1837.32	3286.30	3450.60	3623.14	3804.31	3994.52
318.0	19.3670	20.3354	21.3522	22.4198	23.5408	1549.36	1626.83	1708.18	1793.58	1883.26	3368.46	3536.89	3713.75	3899.42	4094.40
319.0	19.8512	20.8438	21.8860	22.9803	24.1293	1588.10	1667.50	1750.88	1838.42	1930.34	3452.69	3625.31	3806.59	3996.91	4196.75
320.0	20.3475	21.3649	22.4331	23.5548	24.7325	1627.80	1709.19	1794.65	1884.38	1978.60	3539.00	3715.95	3901.75	4096.83	4301.67
321.0	20.8562	21.8990	22.9940	24.1437	25.3509	1668.50	1751.92	1839.52	1931.50	2028.07	3627.49	3808.85	3999.30	4199.27	4409.23
322.0	21.3776	22.4465	23.5688	24.7472	25.9846	1710.21	1795.72	1885.50	1979.78	2078.77	3718.17	3904.07	4099.27	4304.24	4519.45
323.0	21.9120	23.0076	24.1580	25.3659	26.6342	1752.96	1840.61	1932.64	2029.27	2130.74	3811.11	4001.67	4201.75	4411.84	4632.44
324.0	22.4598	23.5828	24.7619	26.0000	27.3000	1796.78	1886.62	1980.95	2080.00	2184.00	3906.38	4101.70	4306.78	4522.13	4748.23
325.0	23.0213	24.1724	25.3810	26.6501	27.9826	1841.70	1933.79	2030.48	2132.01	2238.61	4004.04	4204.25	4414.47	4635.20	4866.96

Exhibit "B"

SCHEDULE C  
GENERAL POLICE CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

P.E.R.S. DIFFERENTIAL SCHEDULE (FOR 3-YEAR RETIREES)

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
301.0	13.8735	14.5672	15.2956	16.0604	16.8634	1109.88	1165.38	1223.65	1284.83	1349.07	2412.99	2533.65	2660.34	2793.35	2933.01
302.0	14.2203	14.9313	15.6779	16.4618	17.2849	1137.62	1194.50	1254.23	1316.94	1382.79	2473.30	2596.96	2726.82	2863.16	3006.32
303.0	14.5758	15.3046	16.0698	16.8733	17.7170	1166.06	1224.37	1285.58	1349.86	1417.36	2535.13	2661.90	2794.98	2934.73	3081.48
304.0	14.9402	15.6872	16.4716	17.2952	18.1600	1195.22	1254.98	1317.73	1383.62	1452.80	2598.53	2728.45	2864.88	3008.13	3158.53
305.0	15.3137	16.0794	16.8834	17.7276	18.6140	1225.10	1286.35	1350.67	1418.21	1489.12	2663.49	2796.65	2936.49	3083.33	3237.50
306.0	15.6965	16.4813	17.3054	18.1707	19.0792	1255.72	1318.50	1384.43	1453.66	1526.34	2730.06	2866.55	3009.89	3160.40	3318.42
307.0	16.0889	16.8933	17.7380	18.6249	19.5561	1287.11	1351.46	1419.04	1489.99	1564.49	2798.31	2938.21	3085.13	3239.39	3401.36
308.0	16.4911	17.3157	18.1815	19.0906	20.0451	1319.29	1385.26	1454.52	1527.25	1603.61	2868.27	3011.69	3162.27	3320.39	3486.41
309.0	16.9034	17.7486	18.6360	19.5678	20.5462	1352.27	1419.89	1490.89	1565.42	1643.70	2939.97	3086.98	3241.32	3403.38	3573.57
310.0	17.3260	18.1923	19.1019	20.0570	21.0599	1386.08	1455.38	1528.15	1604.56	1684.79	3013.48	3164.14	3322.35	3488.47	3662.90
311.0	17.7592	18.6472	19.5796	20.5586	21.5865	1420.74	1491.78	1566.37	1644.69	1726.92	3088.83	3243.28	3405.45	3575.72	3754.50
312.0	18.2032	19.1134	20.0691	21.0726	22.1262	1456.26	1529.07	1605.53	1685.81	1770.10	3166.05	3324.35	3490.59	3665.12	3848.37
313.0	18.6583	19.5912	20.5708	21.5993	22.6793	1492.66	1567.30	1645.66	1727.94	1814.34	3245.19	3407.47	3577.83	3756.71	3944.56
314.0	19.1248	20.0810	21.0851	22.1394	23.2464	1529.98	1606.48	1686.81	1771.15	1859.71	3326.33	3492.65	3667.29	3850.66	4043.20
315.0	19.6029	20.5830	21.6122	22.6928	23.8274	1568.23	1646.64	1729.98	1815.42	1906.19	3409.49	3579.96	3758.98	3946.90	4144.25
316.0	20.0930	21.0977	22.1526	23.2602	24.4232	1607.44	1687.82	1772.21	1860.82	1953.86	3494.74	3669.49	3852.96	4045.61	4247.89
317.0	20.5953	21.6251	22.7064	23.8417	25.0338	1647.62	1730.01	1816.51	1907.34	2002.70	3582.09	3761.21	3949.27	4146.75	4354.07
318.0	21.1102	22.1657	23.2740	24.4377	25.6596	1688.82	1773.26	1861.92	1955.02	2052.77	3671.66	3855.24	4048.00	4250.41	4462.93
319.0	21.6380	22.7199	23.8559	25.0487	26.3011	1731.04	1817.59	1908.47	2003.90	2104.09	3763.45	3951.62	4149.20	4356.68	4574.50
320.0	22.1790	23.2880	24.4524	25.6750	26.9588	1774.32	1863.04	1956.19	2054.00	2156.70	3857.55	4050.44	4252.95	4465.60	4688.88
321.0	22.7335	23.8702	25.0637	26.3169	27.6327	1818.68	1909.62	2005.10	2105.35	2210.62	3953.99	4151.70	4359.29	4577.24	4806.11
322.0	23.3018	24.4669	25.6902	26.9747	28.3234	1864.14	1957.35	2055.22	2157.98	2265.87	4052.83	4255.47	4468.25	4691.66	4926.23
323.0	23.8843	25.0785	26.3324	27.6490	29.0315	1910.74	2006.28	2106.59	2211.92	2322.52	4154.14	4361.85	4579.94	4808.94	5049.39
324.0	24.4814	25.7055	26.9908	28.3403	29.7573	1958.51	2056.44	2159.26	2267.22	2380.58	4258.00	4470.91	4694.45	4929.16	5175.62
325.0	25.0934	26.3481	27.6655	29.0488	30.5012	2007.47	2107.85	2213.24	2323.90	2440.10	4364.44	4582.68	4811.81	5052.39	5305.02

## MASTER POLICE OFFICER ASSIGNMENT

Designation:        MASTER POLICE OFFICER

Number Proposed:        20 percent of all Police Officers to be considered for the assignment as Master Police Officers (MPO).

Position Description:        An advanced pay assignment for experienced Police Officers with demonstrated on-the-job skills and advanced qualifications above and beyond length of service.

Insignia:                Officers assigned as Master Police Officers shall wear as insignia of assignment:

A pin as approved by the Chief of Police over the right breast pocket of the uniform shirt.

Selection:                Applicants to be considered for the assignment of MPO shall apply on an annual basis. Assignment to be for a 12-month period, from the beginning to the end of the fiscal year. Officers must reapply each year for this assignment. Applicants to apply on a form and in a manner to be specified by the Chief of Police in May of each year. Assignment will be made in June for the fiscal year beginning approximately July 1. If more than the maximum of twenty (20%) apply and qualify, selection shall be based upon years of service.

Requirements:

1. 10 years experience as a full-time salaried Peace Officer by the date of appointment.
2. 5 years experience as a full-time salaried Police Officer with the Modesto Police Department by the date of assignment.
3. Possession of a POST Advanced Certificate.
4. No disciplinary suspensions in the 36 months prior to assignment.
5. Have received at least a Satisfactory annual appraisal for the three appraisals immediately preceding application.
6. Compliance with any physical fitness standards adopted for Police Officers at time of assignment.
7. Willingness to work all shifts.

Compensation:        5% above E step of the Police Officer Range.

## MASTER DETECTIVE

Designation:     **MASTER DETECTIVE**

Number Proposed:     A minimum of eight (8) or 20 percent (whichever is greater) of all Detectives to be considered for the assignment as Master Detective (MD).

Position Description:     An advanced pay assignment for experienced Detectives with demonstrated on-the-job skills and advanced qualifications above and beyond length of service.

Selection:     Applicants to be considered for the assignment of MD shall apply on an annual basis. Assignment to be for a 12-month period, from the beginning to the end of the fiscal year. Officers must reapply each year for this assignment. Applicants to apply on a form and in a manner to be specified by the Chief of Police in May of each year. Assignment will be made in June for the fiscal year beginning approximately July 1. If more than the maximum number apply and qualify, selection shall be based upon years of service as a Detective.

Requirements:

1. 10 years experience as a full-time salaried Peace Officer by the date of appointment.
2. 3 years experience as a full-time salaried Detective with the Modesto Police Department by the date of assignment.
3. Possession of a POST Advanced Certificate.
4. No disciplinary suspensions in the 36 months prior to assignment.
5. Have received at least a Satisfactory annual appraisal for the three appraisals immediately preceding application.
6. Compliance with any physical fitness standards adopted at time of assignment.
7. Willingness to work all shifts.

Compensation:     5% above E step of the Detective Range.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-714

A RESOLUTION AMENDING EXHIBITS "H", "J", "L" AND "M" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991".

WHEREAS, the Council adopted Resolution No. 88-494 on June 28, 1988, which implemented salary ranges, salary schedules and benefits for Management and Confidential and Executive Management Employees for fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and

WHEREAS, at its meeting of June 27, 1989, the Council considered amending Exhibits "H", "J", "L" and "M" of said Resolution No. 88-494 to grant a five (5) percent cost of living increase to Management and Confidential and Executive Management Employees,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-494. Resolution No. 88-494 entitled "A Resolution Approving Salary Ranges, Salary Schedules, and Benefits for Management and Confidential and Executive Management Employees for Fiscal Years 1988-89, 1989-90, and 1990-91, Commencing on July 1, 1988, and ending on June 30, 1991" is amended as follows:

Exhibit "H" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "H" entitled "Schedule of Salary Ranges in City Service for FY 89/90 - Management/Confidential-General", which is attached hereto and made a part hereof.

Exhibit "J" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "J" entitled "Schedule of Salary Ranges in City Service for FY 89/90 - Management/Confidential-Fire", which is attached hereto and made a part hereof.

Exhibit "L" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "L" entitled "Schedule of Salary Ranges in City Service for FY 89/90 - Management/Confidential-Police", which is attached hereto and made a part hereof.

Exhibit "M" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "M" entitled "City of Modesto Class Range Table Executive Management", which is attached hereto and made a part hereof.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 4, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE D  
MANAGEMENT/CONFIDENTIAL-GENERAL

CITY OF MOUSTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
401.0	8.0955	8.5003	8.9253	9.3716	9.8402	647.64	690.02	714.02	749.73	787.22	1408.03	1478.43	1552.35	1629.99	1711.50
402.0	8.2979	8.7128	9.1484	9.6058	10.0861	663.83	697.02	731.87	768.46	806.89	1443.23	1515.39	1591.16	1670.71	1754.26
403.0	8.5053	8.9306	9.3771	9.8460	10.3383	680.42	714.45	750.17	787.68	827.06	1479.30	1553.29	1630.94	1712.50	1798.11
404.0	8.7179	9.1538	9.6115	10.0921	10.5967	697.43	732.30	768.92	807.37	847.74	1516.28	1592.09	1671.71	1755.30	1843.07
405.0	8.9358	9.3826	9.8517	10.3443	10.8615	714.86	750.61	788.14	827.54	868.92	1554.18	1631.90	1713.50	1799.15	1899.12
406.0	9.1592	9.6172	10.0981	10.6030	11.1332	732.74	769.38	807.85	848.24	890.66	1593.05	1672.71	1756.35	1844.16	1936.38
407.0	9.3882	9.8576	10.3505	10.8680	11.4114	751.06	788.61	828.04	869.44	912.91	1632.89	1714.52	1800.24	1890.25	1994.76
408.0	9.6229	10.1040	10.6092	11.1397	11.6967	769.83	808.32	848.74	891.18	935.74	1673.69	1757.37	1845.25	1937.51	2034.39
409.0	9.8635	10.3567	10.8745	11.4182	11.9891	789.08	828.54	869.96	913.46	959.13	1715.54	1801.33	1891.38	1985.95	2085.24
410.0	10.1101	10.6156	11.1464	11.7037	12.2889	808.81	849.25	891.71	936.30	983.11	1758.43	1846.35	1938.67	2035.61	2137.38
411.0	10.3629	10.8810	11.4251	11.9964	12.5962	829.03	870.48	914.01	959.71	1007.70	1802.39	1892.51	1987.15	2086.51	2190.84
412.0	10.6220	11.1531	11.7108	12.2963	12.9111	849.76	892.25	936.86	983.70	1032.89	1847.46	1939.84	2036.83	2138.66	2245.61
413.0	10.8876	11.4320	12.0036	12.6038	13.2340	871.01	914.56	960.29	1008.30	1058.72	1893.66	1988.34	2087.77	2192.15	2301.76
414.0	11.1598	11.7179	12.3037	12.9189	13.5648	892.78	937.42	984.30	1033.51	1085.18	1940.99	2038.04	2139.97	2246.95	2359.29
415.0	11.4388	12.0107	12.6112	13.2418	13.9039	915.10	960.86	1008.90	1059.34	1112.31	1989.52	2089.01	2193.45	2303.11	2418.27
416.0	11.7248	12.3110	12.9266	13.5729	14.2515	937.98	984.88	1034.13	1085.83	1140.12	2039.26	2141.23	2248.30	2360.70	2478.73
417.0	12.0179	12.6188	13.2497	13.9122	14.6078	961.43	1009.50	1059.98	1112.98	1168.62	2090.24	2194.75	2304.50	2419.73	2540.70
418.0	12.3183	12.9342	13.5809	14.2599	14.9729	985.46	1034.74	1086.47	1140.79	1197.83	2142.49	2249.63	2362.09	2480.19	2604.20
419.0	12.6263	13.2576	13.9205	14.6165	15.3473	1010.10	1060.61	1113.64	1169.32	1227.78	2196.06	2305.87	2421.16	2542.22	2669.32
420.0	12.9420	13.5891	14.2686	14.9820	15.7311	1035.36	1087.13	1141.49	1198.56	1258.49	2250.98	2363.53	2481.71	2605.79	2736.08
421.0	13.2656	13.9289	14.6253	15.3566	16.1244	1061.25	1114.31	1170.02	1228.53	1289.95	2307.26	2422.62	2543.74	2670.95	2804.48
422.0	13.5972	14.2771	14.9910	15.7406	16.5276	1087.78	1142.17	1199.28	1259.25	1322.21	2364.94	2483.19	2607.35	2737.74	2874.62
423.0	13.9371	14.6340	15.3657	16.1340	16.9407	1114.97	1170.72	1229.26	1290.72	1355.26	2424.06	2545.26	2672.53	2806.15	2946.47
424.0	14.2855	14.9998	15.7498	16.5373	17.3642	1142.84	1199.98	1259.98	1322.98	1389.14	2484.65	2608.89	2739.32	2876.29	3020.13
425.0	14.6426	15.3747	16.1434	16.9506	17.7981	1171.41	1229.98	1291.47	1356.05	1423.85	2546.76	2674.10	2807.78	2948.19	3095.59
426.0	15.0087	15.7591	16.5471	17.3745	18.2432	1200.70	1260.73	1323.77	1389.96	1459.46	2610.44	2740.95	2878.01	3021.91	3173.01
427.0	15.3839	16.1531	16.9608	17.8088	18.6992	1230.71	1292.25	1356.86	1424.70	1495.94	2675.69	2809.48	2949.95	3097.44	3252.32
428.0	15.7685	16.5569	17.3847	18.2539	19.1666	1261.49	1324.55	1390.78	1460.31	1533.33	2742.58	2879.70	3023.69	3174.86	3333.61
429.0	16.1627	16.9708	17.8193	18.7103	19.6458	1293.02	1357.66	1425.54	1496.82	1571.66	2811.15	2951.69	3099.27	3254.24	3416.95
430.0	16.5668	17.3951	18.2649	19.1781	20.1370	1325.34	1391.61	1461.19	1534.25	1610.96	2881.42	3025.50	3176.77	3335.61	3502.39
431.0	16.9810	17.8301	18.7216	19.6577	20.6406	1358.48	1426.41	1497.73	1572.62	1651.25	2953.47	3101.16	3256.21	3419.03	3589.98
432.0	17.4055	18.2758	19.1896	20.1491	21.1566	1392.44	1462.06	1535.17	1611.93	1692.53	3027.30	3178.66	3337.61	3504.50	3679.73
433.0	17.8406	18.7326	19.6692	20.6527	21.6853	1427.25	1498.61	1573.54	1652.22	1734.82	3102.98	3258.13	3421.03	3592.09	3771.67
434.0	18.2866	19.2009	20.1609	21.1689	22.2273	1462.93	1536.07	1612.87	1693.51	1778.18	3180.56	3339.57	3506.54	3681.86	3865.94
435.0	18.7438	19.6810	20.6651	21.6984	22.7833	1499.50	1574.48	1653.21	1735.87	1822.66	3260.06	3423.08	3594.24	3773.95	3962.65
436.0	19.2124	20.1730	21.1817	22.2408	23.3528	1536.99	1613.84	1694.54	1779.26	1868.22	3341.57	3508.65	3684.10	3868.29	4061.70
437.0	19.6927	20.6773	21.7112	22.7968	23.9366	1575.42	1654.18	1736.90	1823.74	1914.93	3425.12	3596.35	3776.19	3964.99	4163.25
438.0	20.1850	21.1943	22.2540	23.3667	24.5350	1614.80	1695.54	1780.32	1869.34	1962.80	3510.74	3686.27	3870.59	4064.13	4267.32
439.0	20.6896	21.7241	22.8103	23.9508	25.1483	1655.17	1737.93	1824.82	1916.06	2011.86	3598.51	3778.43	3967.34	4165.71	4373.98
440.0	21.2068	22.2671	23.3805	24.5495	25.7770	1696.54	1781.37	1870.44	1963.96	2062.16	3688.45	3872.88	4066.52	4269.85	4483.34
441.0	21.7370	22.8239	23.9651	25.1634	26.4216	1738.96	1825.91	1917.21	2013.07	2113.73	3780.67	3969.71	4168.21	4376.62	4595.46

Exhibit "H"







P.E.R.S. DIFFERENTIAL SCHEDULE (FOR 3-YEAR RETIREES)

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601.0	19.9280	20.9244	21.9706	23.0691	24.2226	1594.24	1673.95	1757.65	1845.53	1937.81	3466.04	3639.33	3821.31	4012.37	4212.99
602.0	20.4262	21.4475	22.5199	23.6459	24.8282	1634.10	1715.80	1801.59	1891.67	1986.26	3552.70	3730.32	3916.84	4112.68	4318.33
603.0	20.9369	21.9837	23.0829	24.2370	25.4489	1674.95	1758.70	1846.63	1938.96	2035.91	3641.51	3823.59	4014.76	4215.49	4426.27
604.0	21.4603	22.5333	23.6600	24.8430	26.0852	1716.82	1802.66	1892.80	1987.44	2086.82	3732.54	3919.16	4115.14	4320.89	4536.96
605.0	21.9968	23.0966	24.2514	25.4640	26.7372	1759.74	1847.73	1940.11	2037.12	2138.90	3825.85	4017.15	4217.99	4428.90	4650.36
606.0	22.5467	23.6740	24.8577	26.1006	27.4056	1803.74	1893.92	1988.62	2088.05	2192.45	3921.51	4117.57	4323.46	4539.63	4766.61
607.0	23.1104	24.2659	25.4792	26.7532	28.0909	1848.83	1941.27	2038.34	2140.26	2247.27	4019.54	4220.52	4431.55	4653.14	4885.79
608.0	23.6882	24.8726	26.1162	27.4220	28.7931	1895.06	1989.81	2089.30	2193.76	2303.45	4120.05	4326.05	4542.35	4769.45	5007.93
609.0	24.2804	25.4944	26.7691	28.1076	29.5130	1942.43	2039.55	2141.53	2248.61	2361.04	4223.04	4434.19	4655.90	4888.70	5133.14
610.0	24.8874	26.1318	27.4384	28.8103	30.2508	1990.99	2090.54	2195.07	2304.82	2420.06	4328.61	4545.04	4772.30	5010.91	5261.45
611.0	25.5096	26.7851	28.1244	29.5306	31.0071	2040.77	2142.81	2249.95	2362.45	2480.57	4436.84	4658.68	4891.62	5136.20	5393.01
612.0	26.1473	27.4547	28.8274	30.2688	31.7822	2091.78	2196.38	2306.19	2421.50	2542.58	4547.74	4775.15	5013.89	5264.58	5527.82
613.0	26.8010	28.1411	29.5482	31.0256	32.5769	2144.08	2251.29	2363.86	2482.05	2606.15	4661.44	4894.53	5139.27	5396.22	5666.03
614.0	27.4710	28.8446	30.2868	31.8011	33.3912	2197.68	2307.57	2422.94	2544.09	2671.30	4777.98	5016.89	5287.71	5531.11	5807.67
615.0	28.1578	29.5657	31.0440	32.5962	34.2260	2252.62	2365.26	2483.52	2607.70	2738.08	4897.42	5142.31	5399.42	5669.40	5952.86
616.0	28.8617	30.3048	31.8200	33.4110	35.0816	2308.94	2424.38	2545.60	2672.88	2806.53	5019.87	5270.84	5534.39	5811.11	6101.68
617.0	29.5832	31.0624	32.6155	34.2463	35.9586	2366.66	2484.99	2609.24	2739.70	2876.69	5145.36	5402.62	5672.75	5956.38	6254.21
618.0	30.3220	31.8389	33.4300	35.1023	36.8574	2425.82	2547.11	2674.46	2808.10	2948.59	5273.90	5537.67	5814.54	6105.26	6410.53
619.0	31.0809	32.6349	34.2666	35.9799	37.7789	2486.47	2610.79	2741.33	2878.39	3022.31	5405.83	5676.12	5959.93	6257.91	6570.80
620.0	31.8579	33.4508	35.1233	36.8795	38.7235	2548.63	2676.06	2809.86	2950.36	3097.88	5540.98	5818.02	6108.92	6414.38	6735.10
621.0	32.6543	34.2870	36.0014	37.8015	39.6916	2612.34	2742.96	2880.11	3024.12	3175.33	5679.49	5963.47	6261.65	6574.74	6903.48
622.0	33.4707	35.1442	36.9014	38.7465	40.6838	2677.66	2811.54	2952.11	3099.72	3254.70	5821.50	6112.57	6418.18	6739.10	7076.04
623.0	34.3075	36.0229	37.8240	39.7152	41.7010	2744.60	2881.83	3025.92	3177.22	3336.08	5967.03	6265.39	6578.65	6907.59	7252.97
624.0	35.1652	36.9235	38.7697	40.7082	42.7436	2813.22	2953.88	3101.58	3256.66	3419.49	6116.22	6422.03	6743.15	7080.30	7434.31
625.0	36.0443	37.8465	39.7388	41.7257	43.8120	2883.54	3027.72	3179.10	3338.06	3504.96	6269.10	6582.57	6911.68	7257.28	7620.13
626.0	36.9454	38.7927	40.7323	42.7689	44.9073	2955.63	3103.42	3258.58	3421.51	3592.58	6425.84	6747.15	7084.48	7438.70	7810.63
627.0	37.8690	39.7625	41.7506	43.8381	46.0300	3029.52	3181.00	3340.05	3507.05	3682.40	6586.48	6915.81	7261.60	7624.68	8005.91
628.0	38.8157	40.7565	42.7943	44.9340	47.1807	3105.26	3260.52	3423.54	3594.72	3774.46	6751.15	7088.70	7443.12	7815.28	8206.05
629.0	39.7861	41.7754	43.8642	46.0574	48.3603	3182.89	3342.03	3509.14	3684.59	3868.82	6919.92	7265.91	7629.22	8010.67	8411.20
630.0	40.7808	42.8198	44.9608	47.2088	49.5692	3262.46	3425.58	3596.86	3776.70	3965.54	7092.91	7447.55	7819.93	8210.92	8621.48
631.0	41.8003	43.8903	46.0848	48.3890	50.8085	3344.02	3511.22	3686.78	3871.12	4064.68	7270.23	7633.74	8015.43	8416.20	8837.02
632.0	42.8453	44.9876	47.2370	49.5989	52.0788	3427.62	3599.01	3778.96	3967.91	4166.30	7451.99	7824.61	8215.84	8626.63	9057.95
633.0	43.9164	46.1122	48.4178	50.8387	53.3806	3513.31	3688.98	3873.42	4067.10	4270.45	7638.29	8020.21	8421.20	8842.28	9284.39
634.0	45.0143	47.2650	49.6283	52.1097	54.7152	3601.14	3781.20	3970.26	4168.78	4377.22	7829.24	8220.71	8631.74	9063.34	9516.51
635.0	46.1397	48.4467	50.8690	53.4125	56.0831	3691.18	3875.74	4069.52	4273.00	4486.65	8024.99	8426.25	8847.54	9289.93	9754.43
636.0	47.2932	49.6579	52.1408	54.7478	57.4852	3783.46	3972.63	4171.26	4379.82	4598.82	8225.62	8636.89	9068.74	9522.17	9998.29
637.0	48.4755	50.8993	53.4443	56.1165	58.9223	3878.04	4071.94	4275.54	4489.32	4713.78	8431.25	8852.80	9295.45	9760.23	10248.23
638.0	49.6874	52.1718	54.7804	57.5194	60.3954	3974.99	4173.74	4382.43	4601.55	4831.63	8642.03	9074.13	9527.84	10004.23	10504.45
639.0	50.9296	53.4761	56.1499	58.9574	61.9053	4074.37	4278.09	4491.99	4716.59	4952.42	8858.09	9301.00	9766.04	10254.34	10767.06
640.0	52.2028	54.8129	57.5535	60.4312	63.4528	4176.22	4385.03	4604.28	4834.50	5076.22	9079.52	9533.49	10010.17	10510.69	11036.21

Exhibit 2

CITY OF HOUSTON  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 4, 1989

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3675	4593
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4703	5879
714			
715	Planning & Comm. Dev. Director Finance Director	4941	6177
716			
717			
718			
719			
720	Parks & Recreation Director City Attorney Fire Chief	5591	6989

070789

1358/WPPER

EXHIBIT 'M'

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 4, 1989

---

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	5874	7343
723	Public Works and Transportation Director	6021	7526
724	Deputy City Manager	6171	7714
725			
726			
727			
728	City Manager	6812	8516

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-715

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 88-490A ENTITLED "A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE DEPARTMENT PERSONNEL" TO PROVIDE FOR AN INCREASE IN UNIFORM ALLOWANCE FOR SWORN POLICE PERSONNEL.

WHEREAS, it is in the City's interest to provide separately from regular salary a reasonable reimbursement for the maintenance of uniforms required in the Police Department, and

WHEREAS, on June 28, 1988, the Council adopted Resolution No. 88-490A entitled "A Resolution Establishing Procedure for Payment of Uniform Allowance for Police Department Personnel", and

WHEREAS, on June 27, 1989, the Council by resolution approved a Memorandum of Understanding for Fiscal Years 1989-90, 1990-91 and 1991-92, commencing on July 4, 1989, and ending on June 30, 1992, between the City of Modesto and the Modesto Police Officers Association, and

WHEREAS, pursuant to said Memorandum of Understanding, it is necessary to amend Section 1(a) of Council Resolution No. 88-490A to provide for an increase in uniform allowance for sworn police personnel,

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

SECTION 1. That Section 1 of Modesto City Council Resolution No. 88-490A is hereby amended to read as follows:

"SECTION 1. UNIFORM ALLOWANCE FOR SWORN POLICE PERSONNEL, ANIMAL CONTROL OFFICERS AND COMMUNITY SERVICE OFFICERS.

(a) Effective July 4, 1989, sworn police personnel shall be paid Sixty and no/100ths Dollars (\$60.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section.

Effective July 1, 1990, or the pay period beginning the closest thereto, sworn police personnel shall be paid Sixty-five and no/100ths Dollars (\$65.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section.

Effective July 1, 1991, or the pay period beginning the closest thereto, sworn police personnel shall be paid Seventy and no/100ths Dollars (\$70.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section.

(b) Animal Control Officers shall be paid Twelve and no/100ths Dollars (\$12.00) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section.

(c) Community Service Officers shall be paid Forty-seven and 50/100ths Dollars (\$47.50) per calendar month of service, as a uniform allowance, said sum to be paid as stated in subparagraph (d) of this section effective July 1, 1989.

(d) The uniform allowances authorized by this section shall be paid quarterly at the end of March, June, September and December of each year. No uniform allowance shall be paid to personnel during the first six (6) months of city service, but said allowance shall be withheld and shall accrue to the benefit of said employee to be paid at the end of the second regular full quarter, provided, however, that no payment shall be made to personnel who terminate employment prior to or at the end of the first six (6) months of service. For the purpose of computing the above allowances, one-half (1/2) or less of a month shall not be counted."

SECTION 2. The Police Chief shall submit signed reports to the Finance Director showing the names of department personnel eligible to receive the uniform allowances authorized by this resolution.

SECTION 3. The uniform allowances authorized by this resolution shall not accrue to persons not specifically included in this resolution.

SECTION 4. The City Manager is authorized to establish rules for the equitable administration of the uniform allowances authorized by this resolution.

SECTION 5. This resolution shall be effective July 4, 1989.

SECTION 6. All other provisions of Resolution No. 88-490A 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 27th day of June, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-716

A RESOLUTION AMENDING EXHIBITS "B", "D", "F", "H", "J", "L" AND "M" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES, AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

WHEREAS, the Council adopted Resolution No. 88-490 on June 28, 1988, which implemented salary ranges, salary schedules and fixed compensation for positions in City service, and

WHEREAS, at its meeting of June 27, 1989, the Council considered amending Exhibits "B", "D", "F", "H", "J", "L" and "M" of said Resolution No. 88-490 to grant a five (5) percent cost of living increase to General Non-Sworn Classes, General Fire Classes, General Police Classes, Management/Confidential-General, Management/Confidential-Fire, and Schedule 4 Fire Management, Management/Confidential-Police, and Executive Management Employees,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Resolution No. 88-490 entitled "A Resolution Approving Salary Ranges, Salary Schedules, and Fixing Compensation for Positions in the City Service" is amended as follows:

Exhibit "B" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "B" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - General Non-Sworn Classes", which is attached hereto and made a part hereof.

Exhibit "D" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "D" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - General Fire Classes", which is attached hereto and made a part hereof.

Exhibit "F" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "F" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - General Police Classes", which is attached hereto and made a part hereof.

Exhibit "H" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "H" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - Management/Confidential - General", which is attached hereto and made a part hereof.

Exhibit "J" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "J" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - Management/Confidential - Fire", which is attached hereto and made a part hereof.

Exhibit "L" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "L" entitled "Schedule of Salary Ranges in City Service for FY 89-90 - Management/Confidential - Police", which is attached hereto and made a part hereof.

Exhibit "M" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "M" entitled "City of Modesto Class Range Table - Executive Management", which is attached hereto and made a part hereof.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 4, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE A  
GENERAL NON-SWORN CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
075.0	4.2601	4.4731	4.6968	4.9316	5.1782	340.01	357.05	375.74	394.53	414.26	740.96	778.00	816.90	857.75	900.64
076.0	4.3666	4.5849	4.8141	5.0548	5.3075	349.33	366.79	385.13	404.38	424.60	759.48	797.44	837.31	879.16	923.12
077.0	4.4758	4.6996	4.9346	5.1813	5.4404	358.06	375.97	394.77	414.50	435.23	778.46	817.40	858.27	901.16	946.23
078.0	4.5877	4.8171	5.0580	5.3109	5.5764	367.02	385.37	404.64	424.87	446.11	797.94	837.83	879.73	923.71	969.89
079.0	4.7024	4.9375	5.1844	5.4436	5.7158	376.19	395.00	414.75	435.49	457.26	817.87	858.77	901.71	946.80	994.13
080.0	4.8200	5.0610	5.3141	5.5798	5.8588	385.60	404.88	425.13	446.38	468.70	838.33	880.25	924.28	970.47	1019.00
081.0	4.9405	5.1875	5.4469	5.7192	6.0052	395.24	415.00	435.75	457.54	480.42	859.29	902.25	947.36	994.74	1044.48
082.0	5.0640	5.3172	5.5831	5.8623	6.1554	405.12	425.38	446.65	468.98	492.43	880.77	924.82	971.06	1019.61	1070.59
083.0	5.1906	5.4501	5.7226	6.0087	6.3091	415.25	436.01	457.81	480.70	504.73	902.80	947.93	995.32	1045.09	1097.33
084.0	5.3204	5.5864	5.8657	6.1590	6.4670	425.63	446.91	469.26	492.72	517.36	925.36	971.63	1020.22	1071.22	1124.79
085.0	5.4534	5.7261	6.0124	6.3130	6.6287	436.27	458.09	480.99	505.04	530.30	948.49	995.93	1045.72	1098.01	1152.93
086.0	5.5897	5.8692	6.1627	6.4708	6.7943	447.18	469.54	493.02	517.66	543.54	972.21	1020.83	1071.87	1125.44	1181.71
087.0	5.7294	6.0159	6.3167	6.6325	6.9641	458.35	481.27	505.34	530.60	557.13	996.50	1046.33	1098.66	1153.58	1211.26
088.0	5.8726	6.1662	6.4745	6.7982	7.1381	469.81	493.30	517.96	543.86	571.05	1021.41	1072.48	1126.10	1182.41	1241.52
089.0	6.0194	6.3204	6.6364	6.9682	7.3166	481.55	505.63	530.91	557.46	585.33	1046.94	1099.29	1154.25	1211.97	1272.57
090.0	6.1699	6.4784	6.8023	7.1424	7.4995	493.59	518.27	544.18	571.39	599.96	1073.11	1126.77	1183.10	1242.26	1304.37
091.0	6.3241	6.6403	6.9723	7.3209	7.6869	505.93	531.22	557.78	585.67	614.95	1099.94	1154.93	1212.67	1273.31	1336.96
092.0	6.4822	6.8063	7.1466	7.5039	7.8791	518.58	544.50	571.73	600.31	630.33	1127.44	1183.80	1243.00	1305.13	1370.40
093.0	6.6443	6.9765	7.3253	7.6916	8.0762	531.54	558.12	586.02	615.33	646.10	1155.62	1213.41	1274.07	1337.79	1404.69
094.0	6.8104	7.1509	7.5084	7.8838	8.2780	544.83	572.07	600.67	630.70	662.24	1184.51	1243.74	1305.92	1371.20	1439.78
095.0	6.9807	7.3297	7.6962	8.0810	8.4851	558.46	586.38	615.70	646.48	678.81	1214.15	1274.85	1338.59	1405.51	1475.80
096.0	7.1552	7.5130	7.8887	8.2831	8.6973	572.42	601.04	631.10	662.65	695.78	1244.50	1306.72	1372.07	1440.67	1512.70
097.0	7.3341	7.7008	8.0858	8.4901	8.9146	586.73	616.06	646.86	679.21	713.17	1275.61	1339.38	1406.34	1476.67	1550.50
098.0	7.5175	7.8934	8.2881	8.7025	9.1376	601.40	631.47	663.05	696.20	731.01	1307.50	1372.89	1441.54	1513.61	1589.29
099.0	7.7054	8.0907	8.4952	8.9200	9.3660	616.43	647.26	679.62	713.60	749.28	1340.18	1407.21	1477.56	1551.44	1629.01
100.0	7.8980	8.2929	8.7075	9.1429	9.6000	631.84	663.43	696.60	731.43	768.00	1373.68	1442.36	1514.48	1590.20	1669.71
101.0	8.0955	8.5003	8.9253	9.3716	9.8402	647.64	680.02	714.02	749.73	787.22	1408.03	1478.43	1552.35	1629.99	1711.50
102.0	8.2979	8.7128	9.1484	9.6058	10.0861	663.83	697.02	731.87	768.46	806.89	1443.23	1515.39	1591.16	1670.71	1754.26
103.0	8.5053	8.9306	9.3771	9.8460	10.3383	680.42	714.45	750.17	787.68	827.06	1479.30	1553.29	1630.94	1712.50	1798.11
104.0	8.7179	9.1538	9.6115	10.0921	10.5967	697.43	732.30	768.92	807.37	847.74	1516.28	1592.09	1671.71	1755.30	1843.07
105.0	8.9358	9.3826	9.8517	10.3443	10.8615	714.86	750.61	788.14	827.54	868.92	1554.18	1631.90	1713.50	1799.15	1889.12
106.0	9.1592	9.6172	10.0981	10.6030	11.1332	732.74	769.38	807.85	848.24	890.66	1593.05	1672.71	1756.35	1844.16	1936.38
107.0	9.3882	9.8576	10.3505	10.8680	11.4114	751.06	788.61	828.04	869.44	912.91	1632.88	1714.52	1800.24	1890.25	1984.76
108.0	9.6229	10.1040	10.6092	11.1397	11.6967	769.83	808.32	848.74	891.18	935.74	1673.69	1757.37	1845.25	1937.51	2034.39
109.0	9.8635	10.3567	10.8745	11.4182	11.9891	789.08	828.54	869.96	913.46	959.13	1715.54	1801.33	1891.38	1985.95	2085.24
110.0	10.1101	10.6156	11.1464	11.7037	12.2889	808.81	849.25	891.71	936.30	983.11	1758.43	1846.35	1938.67	2035.61	2137.38
111.0	10.3629	10.8810	11.4251	11.9964	12.5962	829.03	870.48	914.01	959.71	1007.70	1802.39	1892.51	1987.15	2086.51	2190.84
112.0	10.6220	11.1531	11.7108	12.2963	12.9111	849.76	892.25	936.86	983.70	1032.89	1847.46	1939.84	2036.83	2138.66	2245.61
113.0	10.8876	11.4320	12.0036	12.6038	13.2340	871.01	914.56	960.29	1008.30	1058.72	1893.66	1988.34	2087.77	2192.15	2301.76
114.0	11.1598	11.7178	12.3037	12.9189	13.5648	892.78	937.42	984.30	1033.51	1085.18	1940.99	2038.04	2139.97	2246.95	2359.29
115.0	11.4388	12.0107	12.6112	13.2418	13.9039	915.10	960.86	1008.90	1059.34	1112.31	1989.52	2089.01	2193.45	2303.11	2418.27

Exhibit "B"



SCHEDULE A  
GENERAL NON-SWORN CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
157.0	32.2684	33.8818	35.5759	37.3547	39.2224	2581.47	2710.54	2846.07	2988.38	3137.79	5612.37	5892.99	6187.64	6497.04	6821.87
158.0	33.0751	34.7289	36.4653	38.2886	40.2030	2646.01	2778.31	2917.22	3063.09	3216.24	5752.69	6040.32	6342.33	6659.46	6992.43
159.0	33.9020	35.5971	37.3770	39.2459	41.2082	2712.16	2847.77	2990.16	3139.67	3296.66	5896.51	6191.34	6500.91	6825.96	7167.27
160.0	34.7496	36.4871	38.3115	40.2271	42.2385	2779.97	2918.97	3064.92	3218.17	3379.08	6043.93	6346.13	6663.44	6996.62	7346.46
161.0	35.6183	37.3992	39.2692	41.2327	43.2943	2849.46	2991.94	3141.54	3298.62	3463.54	6195.01	6504.78	6830.02	7171.53	7530.08
162.0	36.5088	38.3342	40.2509	42.2634	44.3766	2920.70	3066.74	3220.07	3381.07	3550.13	6349.89	6667.40	7000.75	7350.78	7718.34
163.0	37.4215	39.2926	41.2572	43.3201	45.4861	2993.72	3143.41	3300.58	3465.61	3638.89	6508.65	6834.09	7175.79	7534.58	7911.31
164.0	38.3570	40.2749	42.2896	44.4030	46.6232	3068.56	3221.99	3383.09	3552.24	3729.86	6671.36	7004.93	7355.18	7722.92	8109.09
165.0	39.3159	41.2817	43.3458	45.5131	47.7888	3145.27	3302.54	3467.66	3641.05	3823.10	6838.13	7180.05	7539.04	7916.01	8311.80
166.0	40.2988	42.3137	44.4294	46.6509	48.9834	3223.90	3385.10	3554.35	3732.07	3918.67	7009.08	7359.55	7727.51	8115.89	8519.58
167.0	41.3063	43.3716	45.5402	47.8172	50.2081	3304.50	3469.73	3643.22	3825.38	4016.65	7184.31	7543.54	7920.72	8316.76	8732.60
168.0	42.3390	44.4560	46.6788	49.0127	51.4633	3387.12	3556.48	3734.30	3921.02	4117.06	7363.94	7732.14	8118.74	8524.69	8950.90
169.0	43.3975	45.5674	47.8458	50.2381	52.7500	3471.80	3645.39	3827.66	4019.05	4220.00	7548.04	7925.44	8321.72	8737.82	9174.70
170.0	44.4824	46.7065	49.0418	51.4939	54.0686	3558.59	3736.52	3923.34	4119.51	4325.49	7736.73	8123.57	8529.73	8956.23	9404.05
171.0	45.5945	47.8742	50.2579	52.7813	55.4204	3647.56	3829.94	4021.43	4222.50	4433.63	7930.16	8326.67	8742.99	9180.14	9639.15
172.0	46.7344	49.0711	51.5247	54.1009	56.8059	3738.75	3925.69	4121.98	4328.07	4544.47	8128.42	8534.84	8961.60	9409.66	9880.13
173.0	47.9028	50.2979	52.8128	55.4534	58.2261	3832.22	4023.83	4225.02	4436.27	4658.09	8331.63	8748.21	9185.62	9644.89	10127.15
174.0	49.1004	51.5554	54.1332	56.8399	59.6819	3928.03	4124.43	4330.66	4547.19	4774.55	8539.93	8966.92	9415.29	9886.05	10380.35
175.0	50.3279	52.8443	55.4865	58.2608	61.1738	4026.23	4227.54	4438.92	4660.86	4893.90	8753.43	9191.09	9650.66	10133.18	10639.33
176.0	51.5861	54.1654	56.8737	59.7174	62.7033	4126.89	4333.23	4549.90	4777.39	5016.26	8972.27	9420.88	9891.94	10386.52	10905.85
177.0	52.8758	55.5196	58.2956	61.2104	64.2709	4230.06	4441.57	4663.65	4896.83	5141.67	9196.57	9656.42	10139.24	10646.20	11178.50
178.0	54.1977	56.9076	59.7530	62.7407	65.8777	4335.82	4552.61	4780.24	5019.26	5270.22	9426.51	9897.83	10392.72	10912.37	11457.99
179.0	55.5526	58.3302	61.2467	64.3090	67.5245	4444.21	4666.42	4899.74	5144.72	5401.96	9662.16	10145.26	10652.52	11185.14	11744.40
180.0	56.9414	59.7885	62.7779	65.9168	69.2126	4555.31	4783.08	5022.23	5273.34	5537.01	9903.70	10398.89	10918.83	11464.77	12038.01

SCHEDULE B  
GENERAL FIRE CLASSES  
115.0 HR BI-WEEKLY

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99/00  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
201.0	9.5782	10.0571	10.5600	11.0880	11.6424	1015.29	1066.05	1119.36	1175.33	1234.09	2394.75	2514.48	2640.23	2772.24	2910.84
	STRAIGHT TIME:					86.20	90.51	95.04	99.79	104.78					
	FLSA OVERTIME:					1101.49	1156.56	1214.40	1275.12	1338.87					
	TOTALS:														
202.0	9.8177	10.3086	10.8240	11.3652	11.9335	1040.68	1092.71	1147.34	1204.71	1264.95	2454.65	2577.37	2706.23	2841.55	2983.63
	STRAIGHT TIME:					88.36	92.78	97.42	102.29	107.40					
	FLSA OVERTIME:					1129.04	1185.49	1244.76	1307.00	1372.35					
	TOTALS:														
203.0	10.0631	10.5663	11.0946	11.6493	12.2318	1066.69	1120.03	1176.03	1234.83	1296.57	2516.00	2641.81	2773.89	2912.58	3058.22
	STRAIGHT TIME:					90.57	95.10	99.85	104.84	110.09					
	FLSA OVERTIME:					1157.26	1215.13	1275.88	1339.67	1406.66					
	TOTALS:														
204.0	10.3147	10.8304	11.3719	11.9405	12.5375	1093.36	1148.02	1205.42	1265.69	1328.98	2578.90	2707.82	2843.22	2985.37	3134.66
	STRAIGHT TIME:					92.83	97.47	102.35	107.46	112.84					
	FLSA OVERTIME:					1186.19	1245.49	1307.77	1373.15	1441.82					
	TOTALS:														
205.0	10.5726	11.1012	11.6563	12.2391	12.8511	1120.70	1176.73	1235.57	1297.34	1362.22	2643.38	2775.54	2914.34	3060.02	3213.06
	STRAIGHT TIME:					95.15	99.91	104.91	110.15	115.66					
	FLSA OVERTIME:					1215.85	1276.64	1340.48	1407.49	1477.88					
	TOTALS:														
206.0	10.8369	11.3787	11.9476	12.5450	13.1723	1148.71	1206.14	1266.45	1329.77	1396.26	2709.45	2844.92	2987.17	3136.53	3293.35
	STRAIGHT TIME:					97.53	102.41	107.53	112.91	118.55					
	FLSA OVERTIME:					1246.24	1308.55	1373.98	1442.68	1514.81					
	TOTALS:														
207.0	11.1078	11.6632	12.2464	12.8587	13.5016	1177.43	1236.30	1298.12	1363.02	1431.17	2777.20	2916.06	3061.87	3214.95	3375.68
	STRAIGHT TIME:					99.97	104.97	110.22	115.73	121.51					
	FLSA OVERTIME:					1277.40	1341.27	1408.34	1478.75	1552.68					
	TOTALS:														
208.0	11.3855	11.9548	12.5525	13.1801	13.8391	1206.86	1267.21	1330.57	1397.09	1466.94	2846.61	2988.95	3138.40	3295.31	3460.06
	STRAIGHT TIME:					102.47	107.59	112.97	118.62	124.55					
	FLSA OVERTIME:					1309.33	1374.80	1443.54	1515.71	1591.49					
	TOTALS:														
209.0	11.6701	12.2536	12.8663	13.5096	14.1851	1237.03	1298.88	1363.83	1432.02	1503.62	2917.77	3063.65	3216.86	3377.70	3546.59
	STRAIGHT TIME:					105.03	110.28	115.80	121.59	127.67					
	FLSA OVERTIME:					1342.06	1409.16	1479.63	1553.61	1631.29					
	TOTALS:														

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS  
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

Exhibit "D"

SCHEDULE B  
GENERAL FIRE CLASSES  
115.0 HR BI-WEEKLY

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
210.0	11.9619	12.5600	13.1880	13.8474	14.5398	1267.96	1331.36	1397.93	1467.82	1541.22	2990.74	3140.27	3297.28	3462.15	3635.27
	STRAIGHT TIME:					107.66	113.04	118.69	124.63	130.86					
	FLSA OVERTIME:					1375.62	1444.40	1516.62	1592.45	1672.08					
	TOTALS:														
211.0	12.2609	12.8739	13.5176	14.1935	14.9032	1299.66	1364.63	1432.87	1504.51	1579.74	3065.50	3218.76	3379.70	3548.67	3726.12
	STRAIGHT TIME:					110.35	115.87	121.66	127.74	134.13					
	FLSA OVERTIME:					1410.01	1480.50	1554.53	1632.25	1713.87					
	TOTALS:														
212.0	12.5674	13.1958	13.8556	14.5484	15.2758	1332.14	1398.75	1468.69	1542.13	1619.23	3142.12	3299.22	3464.19	3637.42	3819.26
	STRAIGHT TIME:					113.11	118.76	124.70	130.94	137.48					
	FLSA OVERTIME:					1445.25	1517.51	1593.39	1673.07	1756.71					
	TOTALS:														
213.0	12.8816	13.5257	14.2020	14.9121	15.6577	1365.45	1433.72	1505.41	1580.68	1659.72	3220.67	3381.70	3550.81	3728.34	3914.77
	STRAIGHT TIME:					115.93	121.73	127.82	134.21	140.92					
	FLSA OVERTIME:					1481.38	1555.45	1633.23	1714.89	1800.64					
	TOTALS:														
214.0	13.2036	13.8638	14.5570	15.2849	16.0491	1399.58	1469.56	1543.04	1620.20	1701.20	3301.18	3466.23	3639.55	3821.55	4012.61
	STRAIGHT TIME:					118.83	124.77	131.01	137.56	144.44					
	FLSA OVERTIME:					1518.41	1594.33	1674.05	1757.76	1845.64					
	TOTALS:														
215.0	13.5337	14.2104	14.9209	15.6669	16.4502	1434.57	1506.30	1581.62	1660.69	1743.72	3383.70	3552.89	3730.56	3917.05	4112.90
	STRAIGHT TIME:					121.80	127.89	134.29	141.00	148.05					
	FLSA OVERTIME:					1556.37	1634.19	1715.91	1801.69	1891.77					
	TOTALS:														
216.0	13.8720	14.5656	15.2939	16.0586	16.8615	1470.43	1543.95	1621.15	1702.21	1787.32	3468.30	3641.70	3823.81	4015.00	4215.73
	STRAIGHT TIME:					124.85	131.09	137.65	144.53	151.75					
	FLSA OVERTIME:					1595.28	1675.04	1758.80	1846.74	1939.07					
	TOTALS:														
217.0	14.2188	14.9297	15.6762	16.4600	17.2830	1507.19	1582.55	1661.68	1744.76	1832.00	3555.00	3732.76	3919.40	4115.35	4321.13
	STRAIGHT TIME:					127.97	134.37	141.09	148.14	155.55					
	FLSA OVERTIME:					1635.16	1716.92	1802.77	1892.90	1987.55					
	TOTALS:														
218.0	14.5743	15.3030	16.0682	16.8716	17.7152	1544.88	1622.12	1703.23	1788.39	1877.81	3643.90	3826.09	4017.39	4218.25	4429.19
	STRAIGHT TIME:					131.17	137.73	144.61	151.84	159.44					
	FLSA OVERTIME:					1676.05	1759.85	1847.84	1940.23	2037.25					
	TOTALS:														

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS  
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE B  
GENERAL FIRE CLASSES  
115.0 HR BI-WEEKLY

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY (SEE NOTE BELOW)					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
219.0	14.9387	15.6856	16.4699	17.2934	18.1581	1583.50	1662.67	1745.81	1833.10	1924.76	3735.00	3921.73	4117.83	4323.72	4539.91
	STRAIGHT TIME:					134.45	141.17	148.23	155.64	163.42					
	FLSA OVERTIME:					1717.95	1803.84	1894.04	1988.74	2088.18					
	TOTALS:														
220.0	15.3122	16.0778	16.8817	17.7258	18.6121	1623.09	1704.25	1789.46	1878.93	1972.88	3828.37	4019.80	4220.80	4431.82	4653.42
	STRAIGHT TIME:					137.81	144.70	151.94	159.53	167.51					
	FLSA OVERTIME:					1760.90	1848.95	1941.40	2038.46	2140.39					
	TOTALS:														
221.0	15.6950	16.4798	17.3038	18.1690	19.0775	1663.67	1746.86	1834.20	1925.91	2022.22	3924.10	4120.31	4326.31	4542.63	4769.80
	STRAIGHT TIME:					141.26	148.32	155.73	163.52	171.70					
	FLSA OVERTIME:					1804.93	1895.18	1989.93	2089.43	2193.92					
	TOTALS:														
222.0	16.0874	16.8918	17.7364	18.6232	19.5544	1705.26	1790.53	1880.06	1974.06	2072.77	4022.19	4223.32	4434.49	4656.20	4889.03
	STRAIGHT TIME:					144.79	152.03	159.63	167.61	175.99					
	FLSA OVERTIME:					1850.05	1942.56	2039.69	2141.67	2248.76					
	TOTALS:														
223.0	16.4896	17.3141	18.1798	19.0888	20.0432	1747.90	1835.29	1927.06	2023.41	2124.58	4122.77	4328.89	4545.35	4772.61	5011.24
	STRAIGHT TIME:					148.41	155.83	163.62	171.80	180.39					
	FLSA OVERTIME:					1896.31	1991.12	2090.68	2195.21	2304.97					
	TOTALS:														
224.0	16.9018	17.7469	18.6342	19.5659	20.5442	1791.59	1881.17	1975.23	2073.99	2177.69	4225.82	4437.10	4658.97	4891.90	5136.51
	STRAIGHT TIME:					152.12	159.72	167.71	176.09	184.90					
	FLSA OVERTIME:					1943.71	2040.89	2142.94	2250.08	2362.59					
	TOTALS:														
225.0	17.3243	18.1905	19.1000	20.0550	21.0578	1836.38	1928.19	2024.60	2125.83	2232.13	4331.46	4548.00	4775.41	5014.19	5264.91
	STRAIGHT TIME:					155.92	163.71	171.90	180.50	189.52					
	FLSA OVERTIME:					1992.30	2091.90	2196.50	2306.33	2421.65					
	TOTALS:														

NOTE: STRAIGHT TIME = HOURLY RATE X 106.0 HOURS  
FLSA OVERTIME = HOURLY RATE X 9.0 HOURS (6.0 HOURS X 1.5)

SCHEDULE C  
GENERAL POLICE CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 09/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
301.0	12.7280	13.3644	14.0326	14.7342	15.4709	1018.24	1069.15	1122.61	1178.74	1237.67	2213.75	2324.44	2440.67	2562.70	2690.82
302.0	13.0462	13.6985	14.3834	15.1026	15.8577	1043.70	1095.88	1150.67	1208.21	1268.62	2269.11	2382.55	2501.67	2626.77	2758.11
303.0	13.3724	14.0410	14.7431	15.4803	16.2543	1069.79	1123.28	1179.45	1238.42	1300.34	2325.83	2442.12	2564.24	2692.45	2827.07
304.0	13.7067	14.3920	15.1116	15.8672	16.6606	1096.54	1151.36	1208.93	1269.38	1332.85	2383.99	2503.17	2628.33	2759.76	2897.75
305.0	14.0494	14.7519	15.4895	16.2640	17.0772	1123.95	1180.15	1239.16	1301.12	1366.18	2443.58	2565.76	2694.06	2828.76	2970.21
306.0	14.4006	15.1206	15.8766	16.6704	17.5039	1152.05	1209.65	1270.13	1333.63	1400.31	2504.67	2629.90	2761.39	2899.44	3044.41
307.0	14.7606	15.4986	16.2735	17.0872	17.9416	1180.85	1239.89	1301.88	1366.98	1435.33	2567.29	2695.64	2830.42	2971.95	3120.55
308.0	15.1296	15.8861	16.6804	17.5144	18.3901	1210.37	1270.89	1334.43	1401.15	1471.21	2631.47	2763.04	2901.19	3046.24	3198.56
309.0	15.5078	16.2832	17.0974	17.9523	18.8499	1240.62	1302.66	1367.79	1436.18	1507.99	2697.23	2832.11	2973.71	3122.40	3278.52
310.0	15.8955	16.6903	17.5248	18.4010	19.3211	1271.64	1335.22	1401.98	1472.08	1545.69	2764.67	2902.90	3048.04	3200.45	3360.48
311.0	16.2929	17.1075	17.9629	18.8610	19.8041	1303.43	1368.60	1437.03	1508.88	1584.33	2833.79	2975.47	3124.25	3280.46	3444.49
312.0	16.7002	17.5352	18.4120	19.3326	20.2992	1336.02	1402.82	1472.96	1546.61	1623.94	2904.64	3049.87	3202.36	3362.48	3530.61
313.0	17.1177	17.9736	18.8723	19.8159	20.8067	1369.42	1437.89	1509.78	1585.27	1664.54	2977.26	3126.12	3282.41	3446.54	3618.88
314.0	17.5456	18.4229	19.3440	20.3112	21.3268	1403.65	1473.83	1547.52	1624.90	1706.14	3051.68	3204.25	3364.46	3532.70	3709.32
315.0	17.9842	18.8834	19.8276	20.8190	21.8600	1438.74	1510.67	1586.21	1665.52	1748.80	3127.96	3284.35	3448.58	3621.01	3802.07
316.0	18.4338	19.3555	20.3233	21.3395	22.4065	1474.70	1548.44	1625.86	1707.16	1792.52	3206.15	3366.46	3534.78	3711.54	3897.12
317.0	18.8946	19.8393	20.8313	21.8729	22.9665	1511.57	1587.14	1666.50	1749.83	1837.32	3286.30	3450.60	3623.14	3804.31	3994.52
318.0	19.3670	20.3354	21.3522	22.4198	23.5408	1549.36	1626.83	1708.18	1793.58	1883.26	3368.46	3536.89	3713.75	3899.42	4094.40
319.0	19.8512	20.8438	21.8860	22.9803	24.1293	1588.10	1667.50	1750.88	1838.42	1930.34	3452.69	3625.31	3806.59	3996.91	4196.75
320.0	20.3475	21.3649	22.4331	23.5548	24.7325	1627.80	1709.19	1794.65	1884.38	1978.60	3539.00	3715.95	3901.75	4096.83	4301.67
321.0	20.8562	21.8990	22.9940	24.1437	25.3509	1668.50	1751.92	1839.52	1931.50	2028.07	3627.49	3808.85	3999.30	4199.27	4409.23
322.0	21.3776	22.4465	23.5688	24.7472	25.9846	1710.21	1795.72	1885.50	1979.78	2078.77	3718.17	3904.07	4099.27	4304.24	4519.45
323.0	21.9120	23.0076	24.1580	25.3659	26.6342	1752.96	1840.61	1932.64	2029.27	2130.74	3811.11	4001.67	4201.75	4411.84	4632.44
324.0	22.4598	23.5828	24.7619	26.0000	27.3000	1796.78	1886.62	1980.95	2080.00	2184.00	3906.38	4101.70	4306.78	4522.13	4748.23
325.0	23.0213	24.1724	25.3810	26.6501	27.9826	1841.70	1933.79	2030.48	2132.01	2238.61	4004.04	4204.25	4414.47	4635.20	4866.96

Exhibit 1











CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 4, 1989

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3675	4593
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager	4703	5879
714			
715	Planning & Comm. Dev. Director Finance Director	4941	6177
716			
717			
718			
719			
720	Parks & Recreation Director City Attorney Fire Chief	5591	6989

070789

1358/WPPER

EXHIBIT 'M'

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective July 4, 1989

---

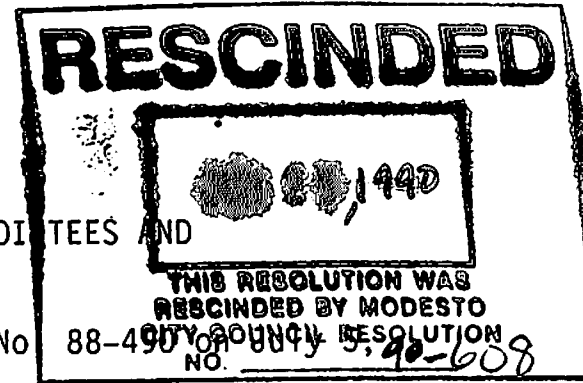
RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	Police Chief	5874	7343
723	Public Works and Transportation Director	6021	7526
724	Deputy City Manager	6171	7714
725			
726			
727			
728	City Manager	6812	8516

---

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-716A

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES AND  
RESCINDING RESOLUTION NO. 89-393.

WHEREAS, the City Council adopted Resolution No



88-490  
CITY COUNCIL RESOLUTION  
NO. 89-608

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. 89-716 on June 27, 1989, which amended Exhibit "M" of Resolution No. 88-490, which exhibit is entitled "City of Modesto Class Range Table - Executive Management", to grant a five (5) percent cost of living increase to various classes including said Council Appointees, and

WHEREAS, as a result of said Resolution No. 89-716 which amended Exhibit "M", it is necessary for the Council to set the salaries for said Council Appointees to provide for said five (5) percent cost of living increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that effective July 4, 1989, the salaries for the positions of the Council Appointees shall be as follows:

City Manager	\$7,168.36 per month
City Attorney	\$6,770.45 per month
City Clerk	\$4,053.01 per month

BE IT FURTHER RESOLVED that Resolution No. 89-393 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 June, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-716A

A RESOLUTION SETTING SALARIES FOR COUNCIL APPOINTEES AND  
RESCINDING RESOLUTION NO. 89-393.

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. 89-716 on June 27, 1989, which amended Exhibit "M" of Resolution No. 88-490, which exhibit is entitled "City of Modesto Class Range Table - Executive Management", to grant a five (5) percent cost of living increase to various classes including said Council Appointees, and

WHEREAS, as a result of said Resolution No. 89-716 which amended Exhibit "M", it is necessary for the Council to set the salaries for said Council Appointees to provide for said five (5) percent cost of living increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that effective July 4, 1989, the salaries for the positions of the Council Appointees shall be as follows:

City Manager	\$7,643.91 per month
City Attorney	\$6,747.31 per month
City Clerk	\$4,039.15 per month

BE IT FURTHER RESOLVED that Resolution No. 89-393 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 June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: \_\_\_\_\_  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-717

A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE CITY/COUNTY LIAISON COMMITTEE TO INCREASE THE NUMBER OF MEMBERS ON THE AIRPORT ADVISORY COMMITTEE.

WHEREAS, the Airport Advisory Committee was originally formed in 1972 to provide public input and assistance to the Airport Manager for the purpose of preparation and implementation of an Airport Master Plan, and

WHEREAS, in July, 1979, the Mayor requested that the Council of the City of Modesto approve the appointment of a Council ad hoc Airport Committee to review the role of the existing Airport Advisory Committee, and

WHEREAS, on October 23, 1980, the Council of the City of Modesto approved a revised role for the Airport Advisory Committee by adopting recommendations from the ad hoc Council Airport Committee, and

WHEREAS, in the City/County Liaison Committee meeting of June 12, 1989, the committee members from the City of Modesto and the Board of Supervisors of Stanislaus County agreed that one additional member should be added to the Airport Advisory Committee increasing the total number of members to eight, that the additional member should be appointed by the City Council of the City of Turlock, and that the Committee should develop a procedure to be utilized in the event that they arrive at a tie vote to reach a decision, and

WHEREAS, at its meeting of June 27, 1989, the Council considered said recommendations relating to the Airport Advisory Committee as outlined in a memorandum dated June 21, 1989, to the Stanislaus County Board of Supervisors and the Modesto City Council from the Interim Chief Administrative Officer and the City Manager, a copy of which memorandum is on file in the City Clerk's Office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the above-mentioned recommendations are hereby approved as follows:

1. That one additional member shall be added to the Airport Advisory Board increasing the total number of members to eight.
2. That the additional member should be appointed by the City Council of the City of Turlock.
3. That the Committee should develop a procedure to be utilized in the event that they arrive at a tie vote to reach a decision.

BE IT FURTHER RESOLVED that the document entitled "Airport Advisory Committee", dated June 27, 1989, is hereby approved, a copy of which document is attached hereto marked Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AIRPORT ADVISORY COMMITTEE

June 27, 1989

PURPOSE

The Modesto City-County Airport/Harry Sham Field is an important facility in the day-to-day service it provides to the residents of Modesto and Stanislaus County in general. As such, it is desirable that the City Manager receive community counsel on all policy matters affecting the use, growth, and development of the Airport. Therefore, an Airport Advisory Committee is created for the City of Modesto.

MEMBERSHIP

The Committee shall consist of eight (8) members. The Modesto City Council shall appoint five (5) members, the County Board of Supervisors shall appoint two (2) members and the Turlock City Council shall appoint one (1) member. The Committee shall designate a chairperson and vice-chairperson from among its members and they shall serve for a two (2) year period.

The Airport Manager shall act as secretary for the Committee keeping minutes of all meetings and providing necessary staff assistance for the functioning of the Committee.

The Committee shall consist of four (4) representatives of the public-at-large, and should to the extent practical, have representation from service-providers representing the general aviation side of the Airport, service-providers representing the air carrier side of the Airport, general aviation side non-providers, non-providers representing the business community and non-providers representing the travel agent business community. The County shall appoint one (1) of the public-at-large members and one (1) of the general aviation side non-provider user members. The City of Turlock shall appoint one of the public-at-large members.

Membership on the Committee shall be for a term of four (4) years, except that two (2) of the initial appointments by the City Council and one (1) of the initial appointments by the Board of Supervisors shall be for two (2) years and thereafter shall be four (4) year terms.

When an interim vacancy occurs, an appointment shall be to fill the unexpired term of the membership vacated. All Committee members serve at the discretion of the appointing body and serve without compensation.

EXHIBIT "A"

## DUTIES

The Airport Advisory Committee shall act in an advisory capacity to the City Manager on Airport policy matters by providing advice and recommendations in the following areas:

- (1) The Committee shall review all rules and regulations governing aircraft operations on the Airport and recommend to the City Manager appropriate modifications and/or changes to these rules and regulations.
- (2) The Committee shall annually review the Airport Security Plan to assure that it is adequate to meet FAA regulations and workable for users of the Airport facilities.
- (3) The Committee shall annually review the Airport Master Plan and make recommendations to the City Manager on the need and timing for capital improvements at the Airport.
- (4) The Committee shall monitor and evaluate commercial airline service at the Airport and shall make recommendations to the City Manager concerning modifications or improvements to commercial airline service at the Airport.
- (5) The Committee shall periodically consider the land use and development occurring in the area around the Airport and make recommendations to the City Manager concerning actions which might be desirable to ensure continued compatibility of the Airport with its neighbors.
- (6) Annually the Committee shall submit a report to the City Manager of its activities.

## MEETINGS

Meetings shall be held at least quarterly. The date, time, and place of meetings shall be designated by the chairperson. Committee members shall be given not less than five (5) days written notice of Committee meeting. Meeting notices shall be posted on the bulletin board in the Airport Administration Building.

## RULES

Rules of procedure shall be adopted by the Committee. Such rules may be adopted and amended only upon the affirmative vote of five (5) or more members. Regular business of the Committee shall be approved by the majority of a quorum. Not less than five (5) members shall constitute a quorum. Each member is entitled to one (1) vote. Action proposed by the Committee members which fails to achieve a majority vote shall be deemed to fail.

VACANCY

Death, resignation, removal, or inability to serve shall constitute a vacancy on the Committee. Unexcused absence from three (3) consecutive meetings shall establish an inability to serve and create a vacancy on the Committee.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-717A

A RESOLUTION RELATING TO THE REQUEST OF LEON A. JOHNSON FOR AN ADJUSTMENT TO CAPITAL FACILITIES FEES AND THE REQUIREMENT OF AN EIGHT-FOOT HIGH WALL RELATING TO THE VESTING TENTATIVE SUBDIVISION MAP FOR ADOBE ABODE SUBDIVISION OR IN THE ALTERNATIVE ALLOWING THE APPLICANT TO REPEAT THE ENVIRONMENTAL ASSESSMENT PROCESS.

WHEREAS, the City of Modesto Environmental Assessment Committee had determined that future residents in the Adobe Abode Subdivision would be exposed to high noise levels caused from Freeway 99 traffic, therefore, an eight-foot high masonry wall along the freeway was required as a mitigation measure to the noise impact, and

WHEREAS, the vesting tentative map of the Adobe Abode Subdivision was filed in the office of the Secretary of the Planning Commission on November 23, 1988, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Planning Commission on December 19, 1988, 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 Adobe Abode Subdivision, filed in the office of the Secretary of the Planning Commission on November 23, 1988, should be granted for the reasons set forth in Planning Commission Resolution No. 88-146, and quoted below:

1. That the proposed 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 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 November 23, 1988, should be certified as adopted, with the exception that screen landscaping will not be required, as evidence was presented at the meeting to the effect that the screen landscaping requirement would not significantly reduce the noise in this project.

and

WHEREAS, thereafter, by Resolution No. 88-146 adopted on December 19, 1988, the Planning Commission granted the vesting tentative map of Adobe Abode Subdivision, subject to the following conditions:

1. That a solid decorative masonry wall at least eight feet in height shall be constructed adjacent to subdivision lots along the southwest line of Freeway 99 subject to the clear vision requirements of Section 10-2.2314 of the Municipal Code
2. That a 15-foot radius corner cut-off be dedicated at the intersection of Madison and Linden Streets.
3. That direct vehicular and pedestrian access between Freeway 99 and the adjacent subdivision lots shall be denied by appropriate notes on the final map.
4. That all subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Engineering Services Director pursuant to improvement plans.
5. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.
6. 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.

7. 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.

and

WHEREAS, by letter dated June 1, 1989, a request to adjust Capital Facilities Fees and to postpone construction of an eight-foot high acoustical wall for the Adobe Abode Subdivision, located on north Madison Street and Linden Street, as required by Condition No. 1 in Planning Commission Resolution No. 88-146 and as recommended by the Environmental Assessment Committee, was filed by Leon A. Johnson, and

WHEREAS, said request was set for public hearing before the City Council 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 June 27, 1989, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined as follows:

1. That the request to adjust Capital Facilities Fees should be approved, by motion of the Council, as recommended by City staff which would allow the developer to pay the Capital Facilities Fees which were in effect for building permits obtained prior to April 30, 1989, and
2. That Condition No. 1 of the tentative subdivision map should be interpreted to allow installation of a 6-foot high masonry wall on top of a 2-foot high earth berm, prior to occupancy of the Adobe Abode Subdivision, located on north Madison Street and Linden Street, as recommended by City staff.

3. Or in the alternative, the applicant could return through the environmental review process for consideration of the postponement of the eight-foot wall, with a thirty (30)-day limit on the election of alternatives.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that by motion of the Council the Council granted the request of Leon A. Johnson that the Capital Facilities Fees for the Abode Above Subdivision be adjusted to allow the developer to pay the rate of Capital Facilities Fees which were in effect for building permits obtained prior to April 30, 1989.

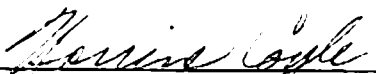
BE IT FURTHER RESOLVED by the Council of the City of Modesto that Condition No. 1 of the tentative subdivision map is hereby interpreted to allow installation of a 6-foot high masonry wall on top of a 2-foot high earth berm, prior to occupancy of the Adobe Abode Subdivision, located on north Madison Street and Linden Street; or in the alternative, the applicant has his choice of proceeding through the environmental assessment process for consideration of postponement of the eight-foot high wall, with a thirty (30) day limit on the election of alternatives.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-718

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN SCHOOL DISTRICT FOR THE PURCHASE OF A NEIGHBORHOOD PARK IN THE MERLE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan School District for the purchase of a neighborhood park in the Merle 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 27th day of June , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-719

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION ON BEHALF OF THE CITY OF MODESTO WITH THE CALIFORNIA HEALTHY CITIES PROJECT SPONSORED BY THE WESTERN CONSORTIUM FOR PUBLIC HEALTH THROUGH A CONTRACT WITH THE CALIFORNIA STATE DEPARTMENT OF HEALTH SERVICES.

WHEREAS, the City of Modesto would like to be one of the eight designated cities in California to participate in the Healthy Cities Project sponsored by the Western Consortium for Public Health through a contract with the California State Department of Health Services, and

WHEREAS, the City of Modesto would be the lead agency to carry out the one year project, direct funds would not be associated with this project, and on site technical assistance would be available from the Western Consortium, and

WHEREAS, the Council, by Resolution No. 89-697 adopted on June 20, 1989, approved the submission of a letter of intent to apply for participation in the California Healthy Cities Project, which resolution outlined specific benefits of participation, and

WHEREAS, in addition to the specific benefits of participation outlined in said Resolution No. 89-697, the Healthy Cities Project would also address the problem of alcohol abuse, specifically that relating to drunk driving, and

WHEREAS, the City of Modesto desires to file an application with the Healthy Cities Project sponsored by the Western Consortium for Public Health through a contract with the California State Department of Health Services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to execute

and submit on behalf of the City of Modesto an application with the California Healthy Cities Project sponsored by the Western Consortium for Public Health through a contract with the California State Department of Health Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-720

A RESOLUTION COMMENDING FIRE CHIEF JOE VELLA FOR OVER THIRTY-EIGHT YEARS SERVICE TO COMMUNITY FIRE PROTECTION.

WHEREAS, the community of Salida is Modesto's most northerly neighbor, and

WHEREAS, fires and threats to community safety know no political boundaries, and

WHEREAS, the Salida Fire Protection District, under the direction of Fire Chief Joe Vella, has on many occasion assisted the City of Modesto Fire Department in controlling fires that threatened City lives and property, and

WHEREAS, Fire Chief Joe Vella has continually displayed leadership and support for public safety for over thirty-eight years,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Fire Chief Joe Vella is hereby recognized and commended for his dedicated contributions to public safety and the fire service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of June, 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, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

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. 89-721

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 4 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 4 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$846,700.00 and \$ 423,350.00 respectively to guarantee improvements in Dry Creek Meadows No. 4 and;

WHEREAS, the Director of Engineering in a memorandum dated June 21, 1989, 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. 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 846,700.00 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 \$423,350.00 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 27th day of June, 19 89, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-722

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 5 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 5 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 537,900.00 and \$ 268,950.00 respectively to guarantee improvements in Dry Creek Meadows No. 5 and;

WHEREAS, the Director of Engineering in a memorandum dated June 21, 1989, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

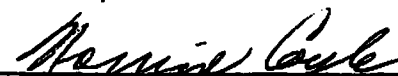
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Dry Creek Meadows No. 5 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 537,900.00 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 \$ 268,950.00 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 June, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-723

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK MEADOWS NO. 6 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, The William Lyon Company, subdividers of Dry Creek Meadows No. 6 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 725,000.00 and \$ 362,500.00 respectively to guarantee improvements in Dry Creek Meadows No. 6 and;

WHEREAS, the Director of Engineering in a memorandum dated June 21, 1989, 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. 6 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 725,000.00 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 \$ 362,500.00 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 June, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-724

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK WOODS SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Northstar Estates, subdividers of Dry Creek Woods Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 731,800.00 and \$ 731,800.00 respectively to guarantee improvements in Dry Creek Woods Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated June 21, 1989, 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 Woods Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 731,800.00 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 \$ 731,800.00 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 27th day of June, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-725

A RESOLUTION AUTHORIZING PAYMENT OF THE CITY OF MODESTO'S SHARE OF THE ADMINISTRATIVE EXPENSES FOR PARTICIPATION IN THE AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY FOR FISCAL YEAR 1988-89

WHEREAS, the City of Modesto is a participant in the Authority for California Cities Excess Liability; and

WHEREAS, the City of Modesto's share of expenses for participation in the Joint Powers Authority risk-sharing pool for administration fees for fiscal year 1989-90 are \$493,376.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that payment of administration fees in the amount of \$493,376 to Authority for California Cities Excess Liability for fiscal year 1989-90 is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-726

A RESOLUTION AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES TO FUND THE STANISLAUS WOMEN'S REFUGE CENTER FOR BATTERED WOMEN, IN THE AMOUNT OF \$55,000 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amending the Final Statement of Community Development Objectives to fund the Stanislaus Women's Refuge Center for battered women, in the amount of \$55,000 from the Community Development Block Grant funds be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June , 1989, by Councilmember McGrath , 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, McGrath, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-727

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY HOUSING AUTHORITY FOR A GRANT OF \$147,750 FOR MODERNIZATION OF THE WEST-VIEW GARDENS PUBLIC HOUSING COMPLEX, UNDER THE 1988-89 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 Stanislaus County Housing Authority for a grant of \$147,750 for modernization of the Westview Gardens Public Housing Complex, under the 1988-89 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 27th day of June , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-728

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$202,750 FROM CONTINGENCY RESERVE TO FUND REHABILITATION AGREEMENTS

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

FROM:	Contingency Reserve (111 800 8000 8003)	\$202,750
TO:	Housing Authority Modernization Grant (113 140 1454 0235)	\$147,750
	Stanislaus Women's Refuge Center (113 140 1454 0235)	55,000

Reserve funds needed to fund rehabilitation agreements under the Community Development Block Grant Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 19 89, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-729

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES L. AND MILDRED M. BUFFORD FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1743 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and James L. and Mildred M. Bufford for water service to property outside City limits at 1743 Shaddox Avenue, located on the north side of Shaddox Avenue between Watts Avenue and Seneca Place be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-730

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VALLEY LAND DEVELOPMENT FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 401 FLAMINGO ROAD AND 2000 CROWS LANDING ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Valley Land Development for water service to property outside City limits at 401 Flamingo Road and 2000 Crows Landing Road, located on the east side of Crows Landing Road between Flamingo Road and Winmoore 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 27th day of June , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NDES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-731

A RESOLUTION APPOINTING MEMBERS OF THE JOINT POWERS AGENCY AGREEMENT COMMISSION WITH STANISLAUS COUNTY (RICHARD LANG AND FRANK MURATORE), AND AN ALTERNATE (RICHARD PATTERSON)

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

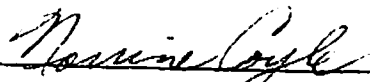
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Councilmembers Richard Lang and Frank Muratore are hereby appointed to the Joint Powers Agency Agreement Commission with Stanislaus County with Councilmember Richard Patterson acting as alternate.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Joint Powers Agency Agreement Commission with Stanislaus County and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-732

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 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO R-1. (DAN MONTEROSSO)

WHEREAS, on July 5, 1989, the City Council introduced Ordinance No. 2677-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 Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the east side of Sunnyside Avenue and north of Scenic 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 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the east side of Sunnyside Avenue and north of Scenic Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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. 89-733

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE AIRPORT PASSENGER TERMINAL PROJECT

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

SECTION 1. The plans and specifications for the Airport passenger terminal project

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 3, 1989 at 3:00 p.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 July, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-734

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,000 FROM CONTINGENCY RESERVE FOR GRAFFITI REMOVAL PROGRAM

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)	\$2,000
TO: Real Property Maintenance and Repair Supplies (01 020 0212 0360)	\$2,000

To initiate account for supply of paint to support the graffiti removal program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, McGrath, Muratore, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Patterson, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-735

A RESOLUTION GRANTING A VARIANCE TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO RELATING TO EXPOSED AGGREGATE SIDEWALK STANDARD AT 429 - 13TH STREET. (SUNSTAR)

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, James A. Sorenson, General Manager, on behalf of Sunstar, has requested a variance from said Standard Specifications to deviate from the sidewalk requirement in the downtown area to permit a 10-foot wide sidewalk with 5-foot wide exposed aggregate adjacent to the curb and 5-foot wide standard concrete finish adjacent to the property line at 429 - 13th Street, and

WHEREAS, City staff has considered said request and recommends that said request for variance to provide for a 10-foot wide sidewalk with 5-foot wide exposed aggregate adjacent to the curb and 5-foot wide standard concrete finish adjacent to the property line at 429 - 13th Street, should be approved, and

WHEREAS, at its meeting of July 5, 1989, 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 a 10-foot wide sidewalk with 5-foot wide exposed aggregate adjacent to the curb and 5-foot wide standard concrete finish adjacent to the property line at 429 - 13th Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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. 89-736

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES TO UPDATE THE PLANS AND SPECIFICATIONS FOR FIRE STATION NO. 9

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates to update the plans and specifications for Fire Station No. 9

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July , 19 89 , by Councilmember McGrath , who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-737

A RESOLUTION APPROVING THE FINAL MAP OF THE DUTCH FAIRE II  
PHASE III SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sterling - Security Partnership I, a California General Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.131 acres, known as the Dutch Faire II Phase III Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 7th day of July, 1987, 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 Dutch Faire II Phase III Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on

behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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. 89-738

A RESOLUTION APPROVING THE FINAL MAP OF THE DUTCH FAIRE II  
PHASE IV SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sterling - Security Partnership I, a California General Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.603 acres, known as the Dutch Faire II Phase IV Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 7th day of July, 1987, 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 Dutch Faire II Phase IV 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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. 89-739

A RESOLUTION ACCEPTING IMPROVEMENTS IN BEACON HILL NO. 2, PHASE II SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Lawrie Development, subdividers of Beacon Hill No. 2, Phase II Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 550,900.00 and \$ 275,450.00 respectively to guarantee improvements in Beacon Hill No. 2, Phase II and;

WHEREAS, the Director of Engineering in a memorandum dated June 27, 1989 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 Beacon Hill No. 2, Phase II 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 \$ 550,900.00 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 \$ 275,450.00 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 5th day of July, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-740

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD D. AND LILLIAN KESKEYS, AND JUDITH A. HEARD FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1716 SHADDOX AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald D. and Lillian Keskeys, and Judith A. Heard for water service to property outside City limits at 1716 Shaddox Avenue, located on the south side of Shaddox Avenue between Walker Avenue and Watts Place  
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July , 1989 , by Councilmember McGrath , who moved its 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-741

A RESOLUTION ACCEPTING THE BID OF ORANGE COUNTY NURSERY FOR FURNISHING BARE  
ROOT TREES

WHEREAS, Resolution No. 89-610 , adopted by the Council of the City of  
Modesto on June 6, 1989 , 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 3:00 p.m. on June 27, 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  
Orange County Nursery in the amount of \$48,050  
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 \$48,050  
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 11th day of July , 1989 , by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Sutton , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-742

A RESOLUTION ACCEPTING THE BID OF STRIBLINGS NURSERY FOR FURNISHING BARE ROOT TREES

WHEREAS, Resolution No. 89-610, adopted by the Council of the City of Modesto on June 6, 1989, 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 3:00 p.m. on June 27, 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 Striblings Nursery in the amount of \$471 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Striblings Nursery in the amount of \$471 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 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-743

A RESOLUTION ACCEPTING THE BID OF LANG'S ENTERPRISES FOR FURNISHING HEATING, VENTILATING AND AIR CONDITIONER MAINTENANCE SERVICE AT THE CENTRE PLAZA

WHEREAS, Resolution No. 89-582 , adopted by the Council of the City of Modesto on May 23, 1989 , approved the plans and specifications for the purchase of heating, ventilating and air conditioner maintenance service at the Centre Plaza and authorized the calling for bids; and

WHEREAS, the bids received for the heating, ventilating and air conditioner maintenance service at the Centre Plaza were opened at 3:00 p.m. on June 20, 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 Lang's Enterprises in the amount of \$20,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lang's Enterprises in the amount of \$20,000 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 11th day of July , 1989 , 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, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath, Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-744

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY

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

WHEREAS, the City possesses a Bird 24 x 60 centrifuge (S/N LB-2390) which the Waste Water Treatment Division of the Public Works and Transportation Department has requested be placed into surplus as it is no longer functional nor useful to its operation, and

WHEREAS, the centrifuge was used as part of the process to desludge municipal waste water in primary treatment applications, and

WHEREAS, said centrifuge 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. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder, a Bird 24 x 60 centrifuge (S/N LB-2390) referred to above, which is hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose. If said item of property cannot be sold on a sealed bid basis as provided for above, it 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 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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. 89-745

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEGOTIATED 13(c) AGREEMENT WITH TEAMSTERS LOCAL 386 AND SUBMIT SAID AGREEMENT TO THE DEPARTMENT OF LABOR.

WHEREAS, the City of Modesto has been the recipient of Urban Mass Transportation Act (UMTA) funds to assist in the financing of certain capital and operational projects, and

WHEREAS, in keeping with the objectives of UMTA to maximize private sector involvement in transportation, the transit service, as provided by the City of Modesto, has been contracted out to Tuolumne River Intercity Passenger Service, Inc., (TRIPS) which, among other things, employs its own personnel to operate the transit service for the City of Modesto, and

WHEREAS, UMTA requires as a condition of federal assistance, that fair and equitable arrangements be made to protect such persons as the employees of TRIPS, and said requirement is met by either the Department of Labor certifying that protective arrangements have been made, or the approval of an agreement pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as amended, and

WHEREAS, the employees of TRIPS elected the Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers Union Local 386 as their certified bargaining representative on October 22, 1986; and thereafter said representatives undertook negotiations with TRIPS, and the parties were unable to execute a collective bargaining agreement; and thereafter a dispute arose between the parties as to representation rights; and the services of the State Mediation and Conciliation Service, the National Labor Relations Board (NLRB), the Department of Labor, the Urban Mass Transportation Administration, and others have been called upon to no avail, and

WHEREAS, Representatives of the NLRB have stated that the agreement between the City of Modesto and TRIPS has certain provisions which detract from the ability of the private sector parties to effectively and expeditiously resolve their dispute in that the City may be the ultimate authority over TRIPS employees' wages and benefits and such was not the intent of the City of Modesto, and

WHEREAS, the City of Modesto was unsuccessful in encouraging Teamsters Local 386 and TRIPS in resolving their dispute and the Department of Labor would not certify that protective arrangements had been made while the dispute continued; and the Department of Labor has directed that an election to certify a bargaining representative, if any, occur which would then be followed by 13(c) negotiations if appropriate, and

WHEREAS, the Teamsters Local 386 and TRIPS have attempted to mutually agree upon the terms and conditions of an election but have been unsuccessful in reaching those terms and conditions and as a result, the transportation program of the City of Modesto is being detrimentally affected to the extent of having to utilize local transportation funds for capital and operation costs in deference to other transportation objectives and

WHEREAS, the City of Modesto and Teamsters Local 386 have determined that it is in the best interest of the community to proceed with negotiating a 13(c) agreement and such an agreement has been reached, and

WHEREAS, the City of Modesto desires that the private sector resolve their own differences and in keeping with UMTA's objectives and the findings of representatives of the NLRB, the City can assist in that process by declining to assert certain of its rights under the City of Modesto TRIPS agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City Manager is hereby authorized to execute the negotiated 13(c) agreement with Teamsters Local 386 and submit same to the Department of Labor.

BE IT FURTHER RESOLVED, that the Council of the City of Modesto accepts and incorporates by reference the report of the Public Works and Transportation Director dated July 29, 1989, which is attached hereto as Exhibit "A", and declines to assert its rights with respect to those portions of Section 7; 9(b)(1), (b)(2), (b)(3); 9(d) and 9(g) of the City of Modesto/Tuolumne River Intercity Passenger Service agreement dated October 14, 1986, specified therein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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

CITY OF MODESTO  
M E M O R A N D U M

DATE: June 29, 1989

TO: City Manager  
FROM: Public Works & Transportation Director  
SUBJECT: UMTA Section 13(c) Agreement Approval

RECOMMENDED COUNCIL ACTION

Adopt a Resolution approving an UMTA 13(c) Agreement with Teamsters Local 386 and accepting this report relative to the City's declining to assert its rights with respect to portions of Sections 7; 9(b)(1), (b)(2), (b)(3); 9(d) and 9(g) of the City/TRIPS, Inc. Agreement dated 10/14/86 as specified in this report.

REASON FOR RECOMMENDED ACTION:

The City of Modesto has been the recipient of Urban Mass Transportation Act funds to assist in the financing of certain capital and operational projects.

In keeping with the objectives of the Urban Mass Transportation Administration (UMTA) to maximize private sector involvement in transportation, the transit service provided by the City has been contracted out to Tuolumne River Intercity Passenger Service, Inc. (TRIPS), which, among other things, employs its own personnel to operate the Intracity Transit system for the City.

UMTA requires as a condition of federal assistance, that fair and equitable arrangements be made to protect such persons as the employees of TRIPS, and said requirement can be met by either the Department of Labor (DOL) certifying that protective arrangements have been made, or the approval of an agreement pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as amended.

The drivers of TRIPS elected the Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers Union Local 386 (Teamsters) as their certified bargaining representative on October 22, 1986. Thereafter said representatives undertook negotiations with TRIPS and the parties were unable to execute a collective bargaining agreement. Subsequently, a dispute arose between the parties as to representation rights, and the services of the State Mediation and Conciliation Service, the National Labor Relations Board (NLRB), the DOL, UMTA, and others have been called upon to no avail.

Exhibit "A"

Representatives of the NLRB have stated that the agreement between the City and TRIPS has certain provisions which detract from the ability of the private sector parties to effectively and expeditiously resolve their dispute in that the City may be the ultimate authority over TRIPS employees' wages and benefits. Such was not the intent of the City of Modesto.

The City was unsuccessful in encouraging Teamsters Local 386 and TRIPS to resolve their dispute and the DOL would not certify that protective arrangements had been made while the dispute continued. DOL directed that an election to certify a bargaining representative, if any, occur which would then be followed by 13(c) negotiations if appropriate.

The Teamsters Local 386 and TRIPS have attempted unsuccessfully to mutually agree upon the terms and conditions of an election. As a result, the transportation program of the City is being detrimentally affected to the extent of having to utilize local transportation funds for capital and operation costs in deference to other transportation objectives. Staff believes that it is in the best interest of the community to proceed with negotiating a 13(c) agreement.

The City has previously indicated a desire that the private sector resolve their own differences and, in keeping with UMTA's objectives and the findings of representatives of the NLRB, the City can assist in that process by declining to assert certain of its rights under the City of Modesto/TRIPS agreement.

IMPACT:

The Department of Labor has indicated that if the City approves the 13(c) Agreement, they plan to approve it at an early date, possibly during July of this year. This approval would enable UMTA to immediately release our FY 87/88 grant funds and while such release could occur in July, it might not occur until August or early September. Release of our FY 88/89 grant funds would be delayed until 9/30/89 because of the amendment we recently submitted to include funds in that grant for the purchase of two new buses.

The 13(c) Agreement provides for:

- (1) Continuation of collective bargaining rights;
- (2) Protection of individual employees against a worsening of their positions with respect to their employment as a result of the City's receipt of federal assistance;
- (3) Assurances of employment and priority employment for any drivers who might be removed from employment as a result of federal assistance;
- (4) Paid training or retraining programs for employees negatively affected by federal assistance.

The provisions of the 13(c) Agreement will have no impact on the City's transit program because the employees have always been protected by similar provisions incorporated into our grant contract with UMTA. The only difference is that those provisions are now incorporated into an agreement with Teamsters Local 386.

The Teamsters have indicated that the City's disavowal of the indicated provisions of the contract will enable the National Labor Relations Board (NLRB) to assume jurisdiction over TRIPS Inc. Such an action by the NLRB will place TRIPS in the same position as any other private employer. The NLRB has indicated that, because of the control the City exercises over TRIPS' employees through the aforementioned contract provisions, the NLRB is precluded from exercising control over TRIPS.

The specific provision recommended for disavowal include:

1. Section 7 - Personnel

Under this section the City reserves the right to approve the hiring of any new driver and to require the removal of any driver. It also prevents the contractor from hiring any new transit employees without the prior written consent of the City. Here the City is clarifying that the right to approve the hiring and to require the removal of any driver would only be exercised when an applicant or an employee fails to meet the minimum standards and safety requirements specified under Section 9(g) and (h) of the contract. The City would also be relinquishing its right to require prior written consent before the contractor hires any new Intracity Transit employees except as those employees fail to meet the minimum requirements specified in Section 9(g) of the contract.

2. Section 9(b)(1) - Employee Medical Coverage; (2) - Employee Dental Coverage; (3) - Employee Vision Coverage

With respect to these provisions we would be eliminating the requirement that the contractor pay the employee premium costs only and that the employee pay for the coverage which is extended to other family members. The minimum coverage required by this section would not be eliminated.

3. Section 9(d) - Maximum Compensation and Benefits

With respect to this section, the City would be relinquishing its control over the maximum amount of wages and benefits provided to the drivers. It would have no effect on the minimums required by the contract.

4. Section 9(g) - Employee Standards

This provision reserves for the City the right to approve the hiring of and to require the removal of any of the contractor's employees. In this case the City would clarify that the rights reserved under this clause would only be exercised when an employee fails to meet the minimum standards and safety qualifications provided for under Sections 9(g) and 9(h) of the contract.

Relinquishing the control over the contractor as specified above would have little or no impact on transit operations for the following reasons:

1. The City has rarely exercised its right to require TRIPS to remove any driver.
2. All new drivers and existing drivers would still be required to meet the minimum safety standards included in the contract. This would ensure that the quality of drivers remains high.
3. The City has no intention of exercising its control over the maximum compensation and benefits that TRIPS may provide to its drivers. The City also does not intend to exercise its authority to require approval of the hiring of new drivers in addition to the requirements of Sections 9(g) and 9(h). These two provisions were at one time necessary to control costs from contract to contract because under our previous interpretations of federal law we had required any new contractor to hire the old contractor's employees at the same level of wages and benefits. These controls precluded contractors from granting huge wage and benefit increases immediately prior to the termination of a contract so as to impact the incoming contractor. Now that UMTA will not allow us to require contractors to carry drivers over from this contract to the next, these provisions are unnecessary.

There will be no increased cost to the City should the employees gain increased compensation due to reduced City control of maximum compensation in that our current agreement with TRIPS provides for payment of a fixed amount for each hour of service operated.

OTHER AGENCY INVOLVEMENT:

A draft 13(c) Agreement has been submitted to the DOL for their review. Once the City Council and the Teamsters sign off on a final 13(c) Agreement, it will be submitted to the DOL for their formal approval.

UMTA approves of the City relinquishing its control over TRIPS as outlined above. UMTA's policy is to encourage its grantees to privatize operations as much as possible and to give the contractor as much leeway as possible in providing the contracted service.

ALTERNATIVES:

No alternative is available to the City that would ensure receipt of our Federal funds within the next twelve months.

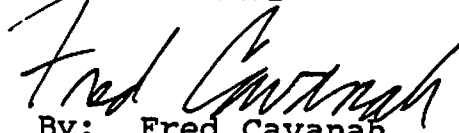
BACKGROUND:

Included in our FY 87/88 and FY 88/89 grant applications are:

- A. \$2.8 million in operating funds
- B. Funds to purchase 4 buses
- C. Funds to refurbish 2 buses
- D. Funds to purchase and install bus stop signs
- E. Additional funding for the Transportation Center

Section 13(c) of the Urban Mass Transportation Act of 1964 requires that before UMTA can approve our grants the DOL must ensure that arrangements are made to protect the interests of drivers affected by the grant funds. Where drivers are not represented by a union, the DOL determines the protective arrangements. Where a union is involved, the DOL requires that an agreement with the union be negotiated to protect the interest of the drivers. For a number of reasons it became apparent that the DOL was going to require that a 13(c) Agreement be negotiated with the Teamsters. Negotiating a 13(c) Agreement with the Teamsters as we have done, will enable the City to receive its UMTA funds months sooner than it would otherwise.

E. J. Walker



By: Fred Cavanah  
Transit Manager

EJW/FC:ps

cc: Deputy City Manager  
City Attorney ✓  
City Clerk  
Finance Director  
Doug Barton  
Hansen, Bridgett, Marcus, Vlahos & Rudy  
TRIPS  
Teamsters Local 386

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-746

A RESOLUTION DETERMINING THAT CANDIDATES FOR ELECTION TO THE CITY OF MODESTO OR THE MODESTO CITY SCHOOLS DISTRICT SHALL PAY THE COST OF THE CANDIDATE'S STATEMENT THAT IS PRINTED IN THE VOTERS' INFORMATION PAMPHLET.

WHEREAS, Section 10012 of the California Elections Code provides that prior to the nomination period for a local election, the local agency shall determine whether a charge shall be levied against candidates for the candidate's statement sent to each voter in the Voter Information Pamphlet for that election, and

WHEREAS, the Council has determined that candidates for election to the City of Modesto or the Modesto City Schools District in the November 7, 1989, Regular Municipal Election should pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that in accordance with the provisions of Section 10012 of the California Elections Code the Council hereby finds and determines that candidates for election to the City of Modesto or the Modesto City Schools District in the November 7, 1989, Regular Municipal Election in the City of Modesto shall pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election.

BE IT FURTHER RESOLVED that the City Clerk, as the officer charged with overseeing conduct of the election, is hereby authorized to establish the pro rata fees to be paid by each candidate filing a candidate's statement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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. 89-747

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANN M. DELONG TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED "WATER CONSERVATION IN MODESTO" 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 Ann M. DeLong to award grant to produce original program entitled, "Water Conservation in Modesto" 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 11th day of July , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-748

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD J. KAVANAUGH TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "THE FREEDOM SHRINE-AMERICA'S MOST CHERISHED DOCUMENTS" 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 Donald J. Kavanaugh to award grant to produce original program entitled, "The Freedom Shrine-America's Most Cherished Documents" 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 11th day of July , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL.  
RESOLUTION NO. 89-749

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RANDY MAGNUS TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "ART TELEVISION" 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 Randy Magnus to award grant to produce original program entitled, "Art Television" 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 11th day of July , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-750

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GUY WALLACE TO AWARD GRANT TO PRODUCE ORIGINAL PROGRAM ENTITLED, "MAESTRI" 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 Guy Wallace to award grant to produce original program entitled, "Maestri" 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 11th day of July , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL.  
RESOLUTION NO. 89-751

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL UNION/ACCEL FOR RENEWAL OF CITY'S EXCESS WORKER'S COMPENSATION POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Union/ACCEL for renewal of City's Excess Worker's Compensation policy

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-752

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRE-  
MAN'S FUND/HAMILTON MERIDIAN FOR PROVIDING MODESTO'S REAL AND PERSONAL PROPERTY  
INSURANCE COVERAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Fireman's Fund/Hamilton Meridian  
for providing Modesto's Real and Personal Property insurance coverage

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the  
designated 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 July ,  
19 89 , by Councilmember Lang , who moved its adoption, which motion  
being duly seconded by Councilmember Sutton , was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-753

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 THE LEASE OF A CORNER PORTION OF HANGAR NO. 1 FOR FLIGHT TRAINING OPERATION

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 the lease of a corner portion of Hangar No. 1 for flight training operation

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL.  
RESOLUTION NO. 89-754

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 THE LEASE OF OFFICE NO. 1, HANGAR NO. 5, AND 24 TIE-DOWNS

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 the lease of Office No. 1, Hangar No. 5, and 24 tie-downs

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-755

A RESOLUTION AUTHORIZING THE DEFERMENT OF SCENIC-SONOMA-ORANGEBURG DRAINAGE AREA FEES FOR LOT "B" OF PARCEL MAP LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE, WEST OF ENTRADA WAY UNTIL DEVELOPMENT OF PARCEL "B".

WHEREAS, 2-Lot Parcel Map is being created to adjust lot lines between existing parcels, Lots "A" and "B", to create a more efficient subdivision layout, and

WHEREAS, Russell A. Harrison on behalf of his client J.R.H. Capital, Inc., has requested that the Scenic-Sonoma-Orangeburg Drainage Area Fees assessed to Parcel "B" be deferred until development of Parcel "B", and

WHEREAS, Ordinance No. 1213-C.S., adopted by the Council of the City of Modesto on July 17, 1972, and which became effective on August 23, 1972, requires that developers pay Scenic-Sonoma-Orangeburg Drainage Area Fees with the filing of parcel maps, however, subsection (h), Drainage Facilities, of Section 4-4.502 of the Modesto Municipal Code allows the Council by resolution to establish conditions under which said Drainage Fees may be spread over a period of time, and

WHEREAS, said request for deferment was considered by the Council at its meeting of July 11, 1989,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the deferment of Scenic-Sonoma-Orangeburg Drainage Area Fees on the Parcel "B" of land shown on Exhibit A, which is attached hereto, until parcel "B" is developed, or a building permit is issued, or a subdivision map is filed, whichever first occurs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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

Exhibit "A"

Although the information on this plat is from official records, its accuracy is not guaranteed and it is not part of any policy, report or guarantee to which it may be attached

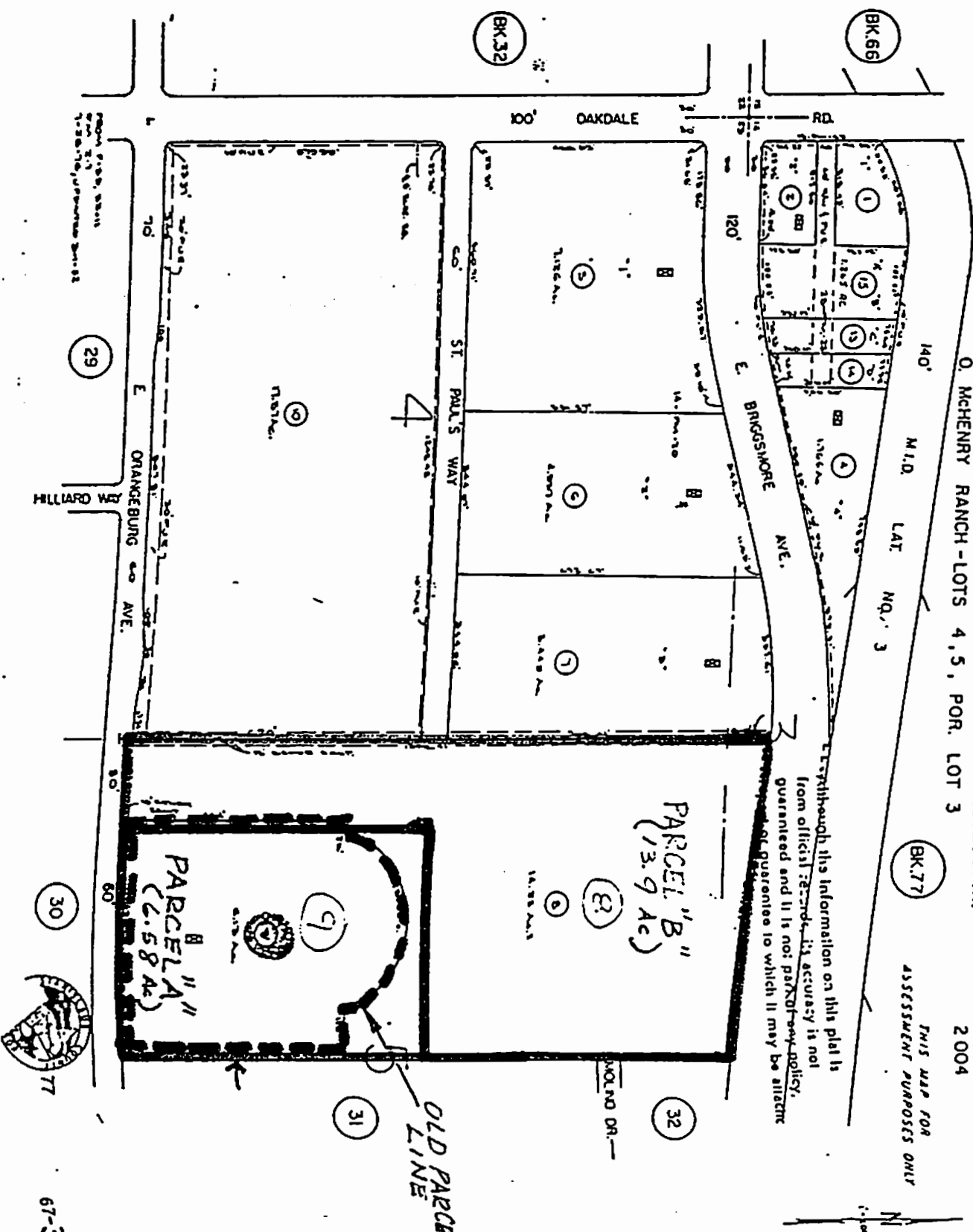
PORTION NW/4 SECTION 23 T.3S. R.9E. M.D.B. & M.  
O. MCHENRY RANCH - LOTS 4, 5, POR. LOT 3

2001  
2004

BK.77

THIS MAP FOR ASSESSMENT PURPOSES ONLY

67-3



Although the information on this plat is from official records, its accuracy is not guaranteed and it is not part of any policy, report or guarantee to which it may be attached



67-3

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-756

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TA FONG HSU, SANDY JEN HSU, AH CHING LO, AND WING MING LO FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 4213 MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ta Fong Hsu, Sandy Jen Hsu, Ah Ching Lo, and Wing Ming Lo for water service to property outside City limits at 4213 McHenry Avenue, located on the west side of McHenry Avenue between Coralwood Road and Bangs 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 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-757

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:

Police Corporal

The specifications 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: CLASSIFICATION AMENDED. The Position Classification  
Plan of the City of Modesto is hereby amended to revise the following  
classification:

Police Sergeant

The revised specifications for the classification amended, as shown on the attached Exhibit "B", 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 July 11, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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

POLICE CORPORAL

DEFINITION

To assist in daily supervision of a larger unit or squad or to independently supervise a smaller unit or squad; to supervise field operations in the absence of a Sergeant; to train staff; to supervise and personally perform investigation, patrol and traffic duties; and to perform a variety of community relations, administrative and technical duties in support of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from higher level supervisory and management staff.

Exercises direct and indirect supervision over subordinate sworn and nonsworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Supervise and direct the activities of officers assigned to field patrol; provide technical and administrative direction to personnel on an assigned shift; assume full command of a squad in the absence of a Sergeant; maintain discipline and ensure that rules and policies are followed.

Respond to major crimes, accident scenes and emergencies; assume initial command; contact and advise Sergeant or Watch Commander.

Plan, organize and direct activities of officers assigned to police investigations, traffic enforcement, special units or programs and other activities; provide technical and administrative direction to assigned personnel.

Review the work of departmental personnel to ensure compliance with department policies and procedures; review reports submitted by officers to verify completeness and the meeting of prescribed standards. Periodically meet with subordinate officers on shift; follow up on problems and complaints.

Supervise and participate in the investigation of fatality and serious injury accidents, crime scene investigations, and criminal investigations; ensure collection, preservation, and proper handling of physical evidence and property.

Supervise and participate in all normal shift duties as assigned, including enforcing local and State laws, issuing citations, making arrests, preparing and executing search warrants, administering first aid and transporting offenders.

EXAMPLES OF DUTIES

Serve as field training officer for departmental personnel; advise and instruct sworn and nonsworn staff regarding applicable policies, procedures and tactics.

Maintain liaison with other departments and divisions, outside agencies and organizations and members of the media.

Provide input into the selection of staff; participate in evaluating staff performance; work with employees to correct deficiencies; implement procedures.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for providing effective services and support in assigned area of responsibility; implement policies and procedures.

Research and analyze information; prepare a variety of correspondence, and statistical and narrative reports.

Respond to inquiries from the general public, press media and outside agencies.

Represent the Department at civic organizations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police methods and procedures related to patrol, traffic control, and investigation and identification techniques.

Departmental rules and regulations.

Criminal law with particular reference to the apprehension, arrest, and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the search and seizure and the preservation of evidence in traffic and criminal cases.

Principles and practices of supervision, training and performance evaluation.

Ability to:

Supervise and direct assigned area of responsibility.

Supervise, train and evaluate assigned staff.

Gather, assemble, analyze, evaluate and use facts and evidence.

Analyze situations and adopt effective courses of action.

Interpret and apply laws and regulations.

Use and care for firearms.

Demonstrate powers of observation and memory.

Communicate effectively, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Learn and use a computer.

### 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 as a Police Officer or Police Officer Trainee with the City of Modesto.

#### Training:

Equivalent to the completion of 45 semester units from an accredited college or university with major course work in police science, law enforcement, criminal justice or a related field. An Associate of Arts degree is desirable.

### License or Certificate

Possession of an appropriate, valid California driver's license.

Possession of a P.O.S.T. Basic Certificate.

POLICE SERGEANT

DEFINITION

To plan, supervise and direct the operations of a large or complex police squad or unit; to supervise police field operations on an assigned shift; and to perform a variety of community relations, administrative and technical duties in support of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over subordinate supervisory, sworn and nonsworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, supervise and direct the activities of personnel assigned to Field Operations, Investigative Services, Administrative Services, and other units, programs and activities; provide overall technical and administrative direction to assigned personnel; maintain discipline and ensure that rules and policies are followed; advise and counsel subordinate officers; follow up on problems and complaints.

Assume command at major crimes, accident scenes and emergencies; supervise crime scene and fatality or serious injury accident investigations; ensure proper collection, preservation, and handling of physical evidence and property; supervise criminal investigations including crimes against persons and property, narcotics, juvenile offenses, and related felony crimes.

Participate in the selection of staff; review and evaluate staff performance; work with employees to correct deficiencies; recommend and implement disciplinary actions; recommend and implement individual and unit goals and objectives; establish schedules and methods for providing effective services and support in assigned area of responsibility; implement policies and procedures.

Review the work of departmental personnel to ensure compliance with department policies and procedures; review reports submitted by officers to verify completeness and the meeting of prescribed standards; coordinate allocated resources to accomplish assigned functions.

Plan, coordinate, and supervise traffic control activities for special events, parades, and street closures; coordinate selective traffic enforcement program; oversee parking enforcement activities.

## EXAMPLES OF DUTIES

Analyze crime and traffic patterns and trends; evaluate operations and activities of assigned responsibilities; recommend and implement improvements and modifications; prepare correspondence; prepare and present a variety of statistical and narrative reports.

Maintain liaison with other departments and divisions, outside agencies and organizations and members of the media; respond to inquiries from the general public, press media and outside agencies; represent the Police Department at civic organizations and events.

Receive, investigate and respond to citizen complaints related to Department activities.

Oversee training activities for departmental personnel; advise and instruct sworn and nonsworn staff regarding applicable policies, procedures and tactics.

Act as Watch Commander and Division Commander as assigned.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Principles and practices of supervision, training and performance evaluation.

Police methods and procedures related to patrol, traffic control, and investigation and identification techniques.

Departmental rules and regulations.

Criminal law with particular reference to the apprehension, arrest, and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the search and seizure and the preservation of evidence in traffic and criminal cases.

Budgeting procedures and techniques.

### Ability to:

Supervise, train and evaluate assigned staff.

Supervise and direct assigned area of responsibility.

Gather, assemble, analyze, evaluate and use facts and evidence.

Analyze situations and adopt effective courses of action.

Interpret and apply laws and regulations.

Use and care for firearms.

Demonstrate powers of observation and memory.

Communicate effectively, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Learn and use a computer.

Administer a budget.

### 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 as a Police Officer with the City of Modesto.

#### Training:

Equivalent to the completion of 60 college semester units with major course work in police science, law enforcement, criminal justice or a related field. An Associate of Arts degree is desirable.

### License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a P.O.S.T. Intermediate Certificate.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-758

A RESOLUTION AMENDING EXHIBITS "L" AND "K" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY RANGES, SALARY SCHEDULES, AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

WHEREAS, the Council adopted Resolution No. 88-490 on June 28, 1988, which implemented salary ranges, salary schedules and fixed compensation for positions in City service, and

WHEREAS, at its meeting of July 11, 1989, the Council considered amending Exhibits "L" and "K" of said Resolution No. 88-490 to amend the Class Range Tables to establish the salary for Police Corporal at Range 602 (\$2952-\$3589/mo.) and to amend the Schedule of Salary Ranges (Schedule F) to restructure range numbers,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-490. Resolution No. 88-490 entitled "A Resolution Approving Salary Ranges, Salary Schedules, and Fixing Compensation for Positions in the City Service" is amended as follows:

Exhibit "K" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "K" entitled "City of Modesto - Class Range Table - Police Management Classes - Effective August 29, 1989", which is attached hereto and made a part hereof.

Exhibit "L" attached to Resolution No. 88-490 is amended as shown on the amended Exhibit "L" entitled "City of Modesto - Schedule of Salary Ranges in City Service for FY 89-90 - Schedule F - Management/Confidential - Police - Effective August 29, 1989", which is attached hereto and made a part hereof.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 11, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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

CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES

Effective August 29, 1989

---

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
063089	

---

1359/WPPER

*Exhibit "K"*

CITY OF MODESTO  
CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES

Effective August 29, 1989

---

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
063089	

---

1359/WPPER

*Exhibit "K"*

SCHEDULE F  
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 08/29/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601-0	16.5632	17.3914	18.2610	19.1741	20.1328	1325.06	1391.31	1460.88	1533.93	1610.62	2880.81	3024.85	3176.10	3334.92	3501.6
602-0	16.9773	17.8262	18.7175	19.6534	20.6361	1358.18	1426.10	1497.40	1572.27	1650.89	2952.82	3100.48	3255.50	3418.27	3589.2
603-0	17.4017	18.2718	19.1854	20.1447	21.1519	1392.14	1461.74	1534.83	1611.58	1692.15	3026.65	3177.97	3336.87	3503.74	3678.9
604-0	17.8367	18.7285	19.6649	20.6481	21.6805	1426.94	1498.28	1573.19	1651.85	1734.44	3102.31	3257.41	3420.27	3591.29	3770.8
605-0	18.2826	19.1967	20.1565	21.1643	22.2225	1462.61	1535.74	1612.52	1693.14	1777.80	3179.86	3338.85	3505.78	3681.06	3865.1
606-0	18.7397	19.6767	20.6605	21.6935	22.7782	1499.18	1574.14	1652.84	1735.48	1822.26	3259.37	3422.34	3593.74	3773.11	3961.7
607-0	19.2082	20.1686	21.1770	22.2359	23.3477	1536.66	1613.49	1694.16	1778.87	1867.82	3340.85	3507.89	3683.27	3867.44	4060.8
608-0	19.6884	20.6728	21.7064	22.7917	23.9313	1575.07	1653.82	1736.51	1823.34	1914.50	3424.36	3595.57	3775.35	3964.12	4162.3
609-0	20.1806	21.1896	22.2491	23.3616	24.5297	1614.45	1695.17	1779.93	1868.93	1962.38	3509.98	3685.47	3869.75	4063.24	4268.4
610-0	20.6851	21.7194	22.8054	23.9457	25.1430	1654.81	1737.55	1824.43	1915.66	2011.44	3597.72	3777.61	3966.49	4164.84	4373.0
611-0	21.2022	22.2623	23.3754	24.5442	25.7714	1696.18	1780.98	1870.03	1963.54	2061.71	3687.66	3872.03	4065.63	4268.93	4482.3
612-0	21.7323	22.8189	23.9598	25.1578	26.4157	1738.58	1825.51	1916.78	2012.62	2113.26	3779.85	3968.84	4167.27	4375.64	4594.4
613-0	22.2756	23.3894	24.5589	25.7868	27.0761	1782.05	1871.15	1964.71	2062.94	2166.09	3874.35	4068.07	4271.48	4485.04	4709.3
614-0	22.8325	23.9741	25.1728	26.4314	27.7530	1826.60	1917.93	2013.82	2114.51	2220.24	3971.21	4169.77	4378.25	4597.16	4827.0
615-0	23.4033	24.5735	25.8022	27.0923	28.4469	1872.26	1965.88	2064.18	2167.38	2275.75	4070.48	4274.02	4487.73	4712.10	4947.7
616-0	23.9884	25.1878	26.4472	27.7696	29.1581	1919.07	2015.02	2115.78	2221.57	2332.65	4172.25	4380.85	4599.92	4829.92	5071.4
617-0	24.5881	25.8175	27.1084	28.4638	29.8870	1967.05	2065.40	2168.67	2277.10	2390.96	4276.56	4490.39	4714.91	4950.64	5198.1
618-0	25.2028	26.4629	27.7860	29.1753	30.6341	2016.22	2117.03	2222.88	2334.02	2450.73	4383.46	4602.63	4832.76	5074.39	5328.1
619-0	25.8329	27.1245	28.4807	29.9047	31.3999	2066.63	2169.96	2278.46	2392.38	2511.99	4493.06	4717.71	4953.60	5201.27	5461.3
620-0	26.4787	27.8026	29.1927	30.6523	32.1849	2118.30	2224.21	2335.42	2452.18	2574.79	4605.40	4835.65	5077.44	5331.28	5597.8
621-0	27.1407	28.4977	29.9226	31.4187	32.9896	2171.26	2279.82	2393.81	2513.50	2639.17	4720.54	4956.56	5204.38	5464.60	5737.8
622-0	27.8192	29.2102	30.6707	32.2042	33.8144	2225.54	2336.82	2453.66	2576.34	2705.15	4838.55	5080.48	5334.50	5601.22	5881.2
623-0	28.5147	29.9404	31.4374	33.0093	34.6598	2281.18	2395.23	2514.99	2640.74	2772.78	4959.51	5207.47	5467.84	5741.23	6028.3
624-0	29.2276	30.6890	32.2235	33.8347	35.5264	2338.21	2455.12	2577.88	2706.78	2842.11	5083.50	5337.68	5604.57	5884.81	6179.0
625-0	29.9583	31.4562	33.0290	34.6805	36.4145	2396.66	2516.50	2642.32	2774.44	2913.16	5210.58	5471.12	5744.67	6031.91	6333.5
626-0	30.7073	32.2427	33.8548	35.5475	37.3249	2456.58	2579.42	2708.38	2843.80	2985.99	5340.85	5607.92	5888.29	6182.71	6491.8
627-0	31.4750	33.0488	34.7012	36.4363	38.2581	2518.00	2643.90	2776.10	2912.90	3060.65	5474.38	5748.10	6035.52	6337.28	6654.1
628-0	32.2619	33.8750	35.5688	37.3472	39.2146	2580.95	2710.00	2845.50	2987.78	3137.17	5611.24	5891.81	6186.40	6495.73	6820.5
629-0	33.0684	34.7218	36.4579	38.2808	40.1948	2645.47	2777.74	2916.63	3062.46	3215.58	5751.52	6039.08	6341.05	6658.09	6990.9
630-0	33.8951	35.5899	37.3694	39.2379	41.1998	2711.61	2847.19	2989.55	3139.03	3295.98	5895.31	6190.08	6499.58	6824.57	7165.7
631-0	34.7425	36.4796	38.3036	40.2188	42.2297	2779.40	2918.37	3064.29	3217.50	3378.38	6042.69	6344.83	6662.07	6995.17	7344.9
632-0	35.6111	37.3917	39.2613	41.2244	43.2856	2848.89	2991.34	3140.90	3297.95	3462.85	6193.77	6503.47	6828.63	7170.07	7528.5
633-0	36.5014	38.3265	40.2428	42.2549	44.3676	2920.11	3066.12	3219.42	3380.39	3549.41	6348.61	6666.05	6999.34	7349.31	7716.7
634-0	37.4139	39.2846	41.2488	43.3112	45.4768	2993.11	3142.77	3299.90	3464.90	3638.14	6507.32	6832.70	7174.31	7533.04	7909.6
635-0	38.3492	40.2667	42.2800	44.3940	46.6137	3067.94	3221.34	3382.40	3551.52	3729.10	6670.01	7003.52	7353.68	7721.36	8107.4
636-0	39.3079	41.2733	43.3370	45.5039	47.7791	3144.63	3301.86	3466.96	3640.31	3822.33	6836.74	7178.57	7537.52	7914.40	8310.1
637-0	40.2906	42.3051	44.4204	46.6414	48.9735	3223.25	3384.41	3553.63	3731.31	3917.88	7007.67	7358.05	7725.95	8112.24	8517.8
638-0	41.2979	43.3628	45.5309	47.8074	50.1978	3303.83	3469.02	3642.47	3824.59	4015.82	7182.86	7542.00	7919.09	8315.04	8730.7
639-0	42.3303	44.4468	46.6691	49.0026	51.4527	3386.42	3555.74	3733.53	3920.21	4116.22	7362.42	7730.53	8117.07	8522.93	8949.0
640-0	43.3886	45.5580	47.8359	50.2277	52.7391	3471.09	3644.64	3826.87	4018.22	4219.13	7546.50	7923.81	8320.00	8736.01	9172.8

Exhibit "A"

SCHEDULE F  
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 08/29/89

P.E.R.S. DIFFERENTIAL SCHEDULE (FOR 3-YEAR RETIREES)

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601.5	18-0539	18-9566	19-9044	20-8996	21-9446										
602.5	18-5052	19-4305	20-4020	21-4221	22-4932	1444.31	1516.53	1592.35	1671.97	1755.57	3140.07	3297.09	3461.93	3635.03	3816.78
603.5	18-9678	19-9162	20-9120	21-9576	23-0555	1480.42	1554.44	1632.16	1713.77	1799.46	3218.58	3379.51	3548.48	3725.91	3912.21
604.5	19-4420	20-4141	21-4348	22-5065	23-6318	1517.42	1593.30	1672.96	1756.61	1844.44	3299.02	3463.99	3637.18	3819.05	4010.00
605.5	19-9280	20-9244	21-9706	23-0691	24-2226	1555.36	1633.13	1714.78	1800.52	1890.54	3381.51	3550.59	3728.10	3914.51	4110.22
606.5	20-4262	21-4475	22-5199	23-6459	24-8282	1594.24	1673.95	1757.65	1845.53	1937.81	3466.04	3639.33	3821.31	4012.37	4212.99
607.5	20-9369	21-9837	23-0829	24-2370	25-4489	1634.10	1715.80	1801.59	1891.67	1986.26	3552.70	3730.32	3916.84	4112.68	4318.33
608.5	21-4603	22-5333	23-6600	24-8430	26-0852	1674.95	1758.70	1846.63	1938.96	2035.91	3641.51	3823.59	4014.76	4215.49	4426.27
609.5	21-9968	23-0966	24-2514	25-4640	26-7372	1716.82	1802.66	1892.80	1987.44	2086.82	3732.54	3919.16	4115.14	4320.89	4536.96
610.5	22-5467	23-6740	24-8577	26-1036	27-4056	1759.74	1847.73	1940.11	2037.12	2138.98	3825.85	4017.15	4217.99	4428.90	4650.36
611.5	23-1104	24-2659	25-4792	26-7532	28-0909	1803.74	1893.92	1988.62	2088.05	2192.45	3921.51	4117.57	4323.46	4539.63	4766.61
612.5	23-6882	24-8726	26-1162	27-4220	28-7931	1848.83	1941.27	2038.34	2140.26	2247.27	4019.54	4220.52	4431.55	4653.14	4885.79
613.5	24-2804	25-4944	26-7691	28-1076	29-5130	1895.06	1989.81	2089.30	2193.76	2303.45	4120.05	4326.05	4542.35	4769.45	5007.93
614.5	24-8874	26-1318	27-4384	28-8103	30-2508	1942.43	2039.55	2141.53	2248.61	2361.04	4223.04	4434.19	4655.90	4888.70	5133.14
615.5	25-5096	26-7851	28-1244	29-5306	31-0071	1990.99	2090.54	2195.07	2304.82	2420.06	4328.61	4545.04	4772.30	5010.91	5261.45
616.5	26-1473	27-4547	28-8274	30-2688	31-7822	2040.77	2142.81	2249.95	2362.45	2480.57	4436.84	4658.68	4891.62	5136.20	5393.01
617.5	26-8010	28-1411	29-5482	31-0256	32-5769	2091.78	2196.38	2306.19	2421.50	2542.58	4547.74	4775.15	5013.89	5284.58	5527.82
618.5	27-4710	28-8446	30-2868	31-8011	33-3912	2144.08	2251.29	2363.86	2482.05	2606.15	4661.44	4894.53	5139.27	5396.22	5666.03
619.5	28-1578	29-5657	31-0440	32-5962	34-2260	2197.68	2307.57	2422.94	2544.09	2671.30	4777.98	5016.89	5267.71	5531.11	5807.67
620.5	28-8617	30-3048	31-8200	33-4110	35-0816	2252.62	2365.26	2483.52	2607.70	2738.08	4897.42	5142.31	5399.42	5669.40	5952.86
621.5	29-5832	31-0624	32-6155	34-2463	35-9586	2308.94	2424.38	2545.60	2672.88	2806.53	5019.87	5270.84	5534.39	5811.11	6101.68
622.5	30-3228	31-8389	33-4308	35-1023	36-8574	2366.66	2484.99	2609.24	2739.70	2876.69	5145.36	5402.62	5672.75	5956.38	6254.21
623.5	31-0809	32-6349	34-2666	35-9799	37-7789	2425.82	2547.11	2674.46	2808.18	2948.59	5273.98	5537.67	5814.54	6105.26	6410.53
624.5	31-8579	33-4508	35-1233	36-8795	38-7235	2486.47	2610.79	2741.33	2878.39	3022.31	5405.83	5676.12	5959.93	6257.91	6570.80
625.5	32-6543	34-2870	35-0014	37-8015	39-6916	2548.63	2676.06	2809.86	2950.36	3097.88	5540.98	5818.02	6108.92	6414.38	6735.10
626.5	33-4707	35-1442	36-9014	38-7465	40-6838	2612.34	2742.96	2880.11	3024.12	3175.33	5679.49	5963.47	6261.65	6574.74	6903.48
627.5	34-3075	36-0229	37-8240	39-7152	41-7010	2744.60	2881.83	3025.92	3177.22	3336.08	5821.50	6112.57	6418.18	6739.10	7076.04
628.5	35-1652	36-9235	38-7697	40-7082	42-7436	2813.22	2953.88	3101.58	3256.66	3419.49	5967.03	6265.39	6578.65	6907.59	7252.97
629.5	36-0443	37-8465	39-7388	41-7257	43-8120	2955.63	3027.72	3179.10	3338.06	3504.96	6116.22	6422.03	6743.15	7080.30	7434.31
630.5	36-9454	38-7927	40-7323	42-7689	44-9073	3029.52	3181.00	3340.05	3507.05	3682.40	6269.10	6582.57	6911.68	7257.28	7620.13
631.5	37-8690	39-7625	41-7506	43-8381	46-0300	3105.26	3260.52	3423.54	3594.72	3774.46	6425.84	6747.15	7084.48	7438.70	7810.63
632.5	38-8157	40-7565	42-7943	44-9340	47-1807	3182.89	3342.03	3509.14	3684.59	3868.82	6586.48	6915.81	7261.60	7624.68	8005.91
633.5	39-7861	41-7754	43-8642	46-0574	48-3603	3262.46	3425.58	3596.86	3776.70	3965.54	6751.15	7088.70	7443.12	7815.28	8206.05
634.5	40-7808	42-8198	44-9608	47-2038	49-5692	3344.02	3511.22	3686.78	3871.12	4064.68	6919.92	7265.91	7629.22	8010.67	8411.20
635.5	41-8003	43-8903	46-0848	48-3890	50-8085	3427.62	3599.01	3778.96	3967.91	4166.30	7092.91	7477.55	7819.93	8210.92	8621.48
636.5	42-8453	44-9876	47-2370	49-5989	52-0788	3513.31	3688.98	3873.42	4067.10	4270.45	7270.23	7633.74	8015.43	8416.20	8837.02
637.5	43-9164	46-1122	49-4178	50-8387	53-3806	3601.14	3781.20	3970.26	4168.78	4377.22	7451.99	7824.61	8215.84	8626.63	9057.95
638.5	45-0143	47-2650	49-6283	52-1097	54-7152	3691.18	3875.74	4069.52	4273.00	4486.65	7638.29	8020.21	8421.20	8842.28	9284.39
639.5	46-1397	48-4467	50-8690	53-6125	56-0831	3783.46	3972.63	4171.26	4379.82	4598.82	7829.24	8220.71	8631.74	9063.34	9516.51
640.5	47-2932	49-6579	52-1408	54-7478	57-4852						8024.99	8426.25	8847.54	9289.93	9754.43
											8225.62	8636.89	9068.74	9522.17	9998.29

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-759

A RESOLUTION AMENDING EXHIBITS "L" AND "K" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991".

WHEREAS, the Council adopted Resolution No. 88-494 on June 28, 1988, which implemented salary ranges, salary schedules and benefits for Management and Confidential and Executive Management Employees for fiscal years 1988-89, 1989-90, and 1990-91, commencing on July 1, 1988, and ending on June 30, 1991, and

WHEREAS, at its meeting of July 11, 1989, the Council considered amending Exhibits "L" and "K" of said Resolution No. 88-494 to amend the Class Range Tables to establish the salary for Police Corporal at Range 602 (\$2952-\$3589/mo.) and to amend the Schedule of Salary Ranges (Schedule F) to restructure range numbers,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-494. Resolution No. 88-494 entitled "A Resolution Approving Salary Ranges, Salary Schedules, and Benefits for Management and Confidential and Executive Management Employees for Fiscal Years 1988-89, 1989-90, and 1990-91, Commencing on July 1, 1988, and Ending on June 30, 1991" is amended as follows:

Exhibit "K" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "K" entitled "City of Modesto - Class Range Table - Police Management Classes - Effective August 29, 1989", which is attached hereto and made a part hereof.

Exhibit "L" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "L" entitled "City of Modesto - Schedule of Salary Ranges in City Service for FY 89-90 - Schedule F - Management/Confidential - Police - Effective August 29, 1989", which is attached hereto and made a part hereof.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 11, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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

CITY OF MODESTO  
CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES

Effective August 29, 1989

---

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
063089	

---

1359/WPPER

*Exhibit "K"*

SCHEDULE F  
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 08/29/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601.0	16.5632	17.3914	18.2610	19.1741	20.1328	1325.06	1391.31	1460.88	1533.93	1610.62	2880.81	3024.85	3176.10	3334.92	3501.65
602.0	16.9773	17.8262	18.7175	19.6534	20.6361	1358.18	1426.10	1497.40	1572.27	1650.89	2952.82	3100.48	3255.50	3418.27	3589.20
603.0	17.4017	18.2718	19.1854	20.1447	21.1519	1392.14	1461.74	1534.83	1611.58	1692.15	3026.65	3177.97	3336.87	3503.74	3678.90
604.0	17.8367	18.7285	19.6649	20.6481	21.6805	1426.94	1498.28	1573.19	1651.85	1734.44	3102.31	3257.41	3420.27	3591.29	3770.85
605.0	18.2826	19.1967	20.1565	21.1643	22.2225	1462.61	1535.74	1612.52	1693.14	1777.80	3179.86	3338.85	3505.78	3681.06	3865.11
606.0	18.7397	19.6767	20.6605	21.6935	22.7782	1499.18	1574.14	1652.84	1735.48	1822.26	3259.37	3422.34	3593.44	3773.11	3961.78
607.0	19.2082	20.1686	21.1770	22.2359	23.3477	1536.66	1613.49	1694.16	1778.87	1867.82	3340.85	3507.89	3683.27	3867.44	4060.83
608.0	19.6884	20.6728	21.7064	22.7917	23.9313	1575.07	1653.82	1736.51	1823.34	1914.50	3424.36	3595.57	3775.35	3964.12	4162.31
609.0	20.1806	21.1896	22.2491	23.3616	24.5297	1614.45	1695.17	1779.93	1868.93	1962.38	3509.98	3685.47	3869.75	4063.24	4268.57
610.0	20.6851	21.7194	22.8054	23.9457	25.1430	1654.81	1737.55	1824.43	1915.66	2011.44	3597.72	3777.61	3966.49	4164.84	4373.07
611.0	21.2022	22.2623	23.3754	24.5442	25.7714	1696.18	1780.98	1870.03	1963.54	2061.71	3687.66	3872.03	4065.63	4268.93	4482.36
612.0	21.7323	22.8189	23.9598	25.1578	26.4157	1738.58	1825.51	1916.78	2012.62	2113.26	3779.85	3968.84	4167.27	4373.64	4594.54
613.0	22.2756	23.3894	24.5589	25.7868	27.0761	1782.05	1871.15	1964.71	2062.94	2166.09	3874.35	4068.07	4271.48	4485.04	4709.30
614.0	22.8325	23.9741	25.1728	26.4314	27.7530	1826.60	1917.93	2013.82	2114.51	2220.24	3971.21	4169.77	4378.25	4597.16	4827.02
615.0	23.4033	24.5735	25.8022	27.0923	28.4469	1872.26	1965.88	2064.18	2167.38	2275.75	4070.48	4274.02	4487.73	4712.70	4947.77
616.0	23.9884	25.1878	26.4472	27.7696	29.1581	1919.07	2015.02	2115.78	2221.57	2332.65	4172.25	4380.85	4599.92	4829.92	5071.64
617.0	24.5881	25.8175	27.1084	28.4638	29.8870	1967.05	2065.40	2168.67	2277.10	2390.96	4276.56	4490.39	4714.91	4950.64	5198.11
618.0	25.2028	26.4629	27.7860	29.1753	30.6341	2016.22	2117.03	2222.88	2334.02	2450.73	4383.46	4602.63	4832.76	5074.39	5328.71
619.0	25.8329	27.1245	28.4807	29.9047	31.3999	2066.63	2169.96	2278.46	2392.38	2511.99	4493.06	4717.71	4953.60	5201.27	5461.31
620.0	26.4787	27.8026	29.1927	30.6523	32.1849	2118.30	2224.21	2335.42	2452.18	2574.79	4605.40	4835.65	5077.44	5331.28	5597.81
621.0	27.1407	28.4977	29.9226	31.4187	32.9896	2171.26	2279.82	2393.81	2513.50	2639.17	4720.54	4956.56	5204.38	5464.60	5737.84
622.0	27.8192	29.2102	30.6707	32.2042	33.8144	2225.54	2336.82	2453.66	2576.34	2705.15	4838.55	5080.48	5334.50	5601.22	5881.21
623.0	28.5147	29.9404	31.4374	33.0093	34.6598	2281.18	2395.23	2514.99	2640.74	2772.78	4959.51	5207.47	5467.84	5741.23	6028.31
624.0	29.2276	30.6890	32.2235	33.8347	35.5264	2338.21	2455.12	2577.88	2706.78	2842.11	5083.50	5337.68	5604.57	5884.81	6179.01
625.0	29.9583	31.4562	33.0290	34.6805	36.4145	2396.66	2516.50	2642.32	2774.44	2913.16	5210.58	5471.12	5744.67	6031.91	6333.51
626.0	30.7073	32.2427	33.8548	35.5475	37.3249	2456.58	2579.42	2708.38	2843.80	2985.99	5340.85	5607.92	5888.29	6182.71	6491.81
627.0	31.4750	33.0488	34.7012	36.4363	38.2581	2518.00	2643.90	2776.10	2914.90	3060.65	5474.38	5748.10	6035.52	6337.28	6654.11
628.0	32.2619	33.8750	35.5688	37.3472	39.2146	2580.95	2710.00	2845.50	2987.78	3137.17	5611.24	5891.81	6186.40	6495.73	6820.51
629.0	33.0684	34.7218	36.4579	38.2808	40.1948	2645.47	2777.74	2916.63	3062.46	3215.58	5751.52	6039.08	6341.05	6658.09	6990.91
630.0	33.8951	35.5899	37.3694	39.2379	41.1998	2711.61	2847.19	2989.55	3139.03	3295.98	5895.31	6190.08	6499.58	6824.57	7165.71
631.0	34.7425	36.4796	38.3036	40.2188	42.2297	2779.40	2918.37	3064.29	3217.50	3378.38	6042.69	6344.83	6662.07	6995.17	7344.91
632.0	35.6111	37.3917	39.2613	41.2244	43.2856	2848.89	2991.34	3140.90	3297.95	3462.85	6193.77	6503.47	6828.63	7170.07	7528.51
633.0	36.5014	38.3265	40.2428	42.2549	44.3676	2920.11	3066.12	3219.42	3380.39	3549.41	6348.61	6666.05	6999.34	7349.31	7716.71
634.0	37.4139	39.2846	41.2488	43.3112	45.4768	2993.11	3142.77	3299.90	3464.90	3638.14	6507.32	6832.70	7174.31	7533.04	7909.61
635.0	38.3492	40.2667	42.2800	44.3940	46.6137	3067.94	3221.34	3382.40	3551.52	3729.10	6670.01	7003.52	7353.68	7721.36	8107.41
636.0	39.3079	41.2733	43.3370	45.5039	47.7791	3144.63	3301.86	3466.96	3640.31	3822.33	6836.74	7178.57	7537.52	7914.40	8310.11
637.0	40.2906	42.3051	44.4204	46.6414	48.9735	3223.25	3384.41	3553.63	3731.31	3917.88	7007.67	7358.05	7725.95	8112.24	8517.81
638.0	41.2979	43.3628	45.5309	47.8074	50.1978	3303.83	3469.02	3642.47	3824.59	4015.82	7182.86	7542.00	7919.09	8315.04	8730.71
639.0	42.3303	44.4468	46.6691	49.0026	51.4527	3386.42	3555.74	3733.53	3920.21	4116.22	7362.42	7730.53	8117.07	8522.93	8949.01
640.0	43.3886	45.5580	47.8359	50.2277	52.7391	3471.09	3644.64	3826.87	4018.22	4219.13	7546.50	7923.81	8320.00	8736.01	9172.81

Exhibit "1"

SCHEDULE F  
MANAGEMENT/CONFIDENTIAL-POLICE

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 08/29/89

P.E.R.S. DIFFERENTIAL SCHEDULE (FOR 3-YEAR RETIREES)

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
601-5	18.0539	18.9566	19.9044	20.8996	21.9446	1444.31	1516.53	1592.35	1671.97	1755.57	3140.07	3297.09	3461.93	3635.03	3816.78
602-5	18.5052	19.4305	20.4020	21.4221	22.4932	1480.42	1554.44	1632.16	1713.77	1799.46	3218.58	3379.51	3548.48	3725.91	3912.21
603-5	18.9678	19.9162	20.9120	21.9576	23.0555	1517.42	1593.30	1672.96	1756.61	1844.44	3299.02	3463.99	3637.18	3819.05	4010.00
604-5	19.4420	20.4141	21.4348	22.5065	23.6318	1555.36	1633.13	1714.78	1800.52	1890.54	3381.51	3550.59	3728.10	3914.51	4110.22
605-5	19.9280	20.9244	21.9706	23.0691	24.2226	1594.24	1673.95	1757.65	1845.53	1937.81	3466.04	3639.33	3821.31	4012.37	4212.99
606-5	20.4262	21.4475	22.5199	23.6459	24.8282	1634.10	1715.80	1801.59	1891.67	1986.26	3552.70	3730.32	3916.84	4112.68	4318.33
607-5	20.9369	21.9837	23.0829	24.2370	25.4489	1674.95	1758.70	1846.63	1938.96	2035.91	3641.51	3823.59	4014.76	4215.49	4426.27
608-5	21.4603	22.5333	23.6600	24.8430	26.0852	1716.82	1802.66	1892.80	1987.44	2086.82	3732.54	3919.16	4115.14	4320.89	4536.96
609-5	21.9968	23.0966	24.2514	25.4640	26.7372	1759.74	1847.73	1940.11	2037.12	2138.98	3825.85	4017.15	4217.99	4428.90	4650.36
610-5	22.5467	23.6740	24.8577	26.1006	27.4056	1803.74	1893.92	1988.62	2088.05	2192.45	3921.51	4117.57	4323.26	4539.63	4766.61
611-5	23.1104	24.2659	25.4792	26.7532	28.0909	1848.83	1941.27	2038.34	2140.26	2247.27	4019.54	4220.52	4431.55	4653.14	4885.79
612-5	23.6882	24.8726	26.1162	27.4220	28.7931	1895.06	1989.81	2089.30	2193.76	2303.45	4120.05	4326.05	4542.35	4769.45	5007.93
613-5	24.2804	25.4944	26.7691	28.1076	29.5130	1942.43	2039.55	2141.53	2248.61	2361.04	4223.04	4434.19	4655.90	4888.70	5133.14
614-5	24.8874	26.1318	27.4384	28.8103	30.2508	1990.99	2090.54	2195.07	2304.82	2420.06	4328.61	4545.04	4772.30	5010.91	5261.45
615-5	25.5096	26.7851	28.1244	29.5306	31.0071	2040.77	2142.81	2249.95	2362.45	2480.57	4436.84	4658.68	4891.62	5136.20	5393.01
616-5	26.1473	27.4547	28.8274	30.2688	31.7822	2091.78	2196.38	2306.19	2421.50	2542.58	4547.74	4775.15	5013.89	5264.58	5527.82
617-5	26.8010	28.1411	29.5482	31.0256	32.5769	2144.08	2251.29	2363.86	2482.05	2606.15	4661.44	4894.53	5139.27	5396.22	5666.03
618-5	27.4710	28.8446	30.2868	31.8011	33.3912	2197.68	2307.57	2422.94	2544.99	2671.30	4777.98	5016.89	5267.71	5531.11	5807.67
619-5	28.1578	29.5657	31.0440	32.5962	34.2260	2252.62	2365.26	2483.52	2607.70	2738.08	4897.42	5142.31	5399.42	5669.40	5952.88
620-5	28.8617	30.3048	31.8200	33.4110	35.0816	2308.94	2424.38	2545.60	2672.88	2806.53	5019.87	5270.84	5534.39	5811.11	6101.68
621-5	29.5832	31.0624	32.6155	34.2463	35.9586	2366.66	2484.99	2609.24	2739.70	2876.69	5145.36	5402.62	5672.75	5956.38	6254.21
622-5	30.3228	31.8389	33.4308	35.1023	36.8574	2425.82	2547.11	2674.46	2808.18	2948.59	5273.98	5537.67	5814.54	6105.26	6410.53
623-5	31.0809	32.6349	34.2666	35.9799	37.7789	2486.47	2610.79	2741.33	2878.39	3022.31	5405.83	5676.12	5959.93	6257.91	6570.80
624-5	31.8579	33.4508	35.1233	36.8795	38.7235	2548.63	2676.06	2809.86	2950.36	3097.88	5540.98	5818.02	6108.92	6414.38	6735.10
625-5	32.6543	34.2870	36.0014	37.8015	39.6916	2612.34	2742.96	2880.11	3024.12	3175.33	5679.49	5963.47	6261.65	6574.74	6903.44
626-5	33.4707	35.1442	36.9014	38.7465	40.6838	2677.66	2811.54	2952.11	3099.72	3254.70	5821.50	6112.57	6418.18	6739.10	7076.04
627-5	34.3075	36.0229	37.8240	39.7152	41.7010	2744.60	2881.83	3025.92	3177.22	3336.08	5967.03	6265.39	6578.65	6907.59	7252.97
628-5	35.1652	36.9235	38.7697	40.7082	42.7436	2813.22	2953.88	3107.58	3256.66	3419.49	6116.22	6422.03	6743.15	7080.30	7434.43
629-5	36.0443	37.8465	39.7388	41.7257	43.8120	2883.54	3027.72	3179.10	3338.06	3504.96	6269.10	6582.57	6911.68	7257.28	7620.21
630-5	36.9454	38.7927	40.7323	42.7689	44.9073	2955.63	3103.42	3258.58	3421.51	3592.58	6425.84	6747.15	7084.48	7438.70	7810.61
631-5	37.8690	39.7625	41.7506	43.8381	46.0300	3029.52	3181.00	3340.05	3507.05	3682.40	6586.48	6915.81	7261.60	7624.68	8005.97
632-5	38.8157	40.7565	42.7943	44.9340	47.1807	3105.26	3260.52	3423.54	3594.72	3774.46	6751.15	7088.70	7443.12	7815.28	8206.06
633-5	39.7861	41.7754	43.8642	46.0574	48.3603	3182.89	3342.03	3509.14	3684.59	3868.82	6919.92	7265.91	7629.22	8010.67	8411.26
634-5	40.7808	42.8198	44.9608	47.2038	49.5692	3262.46	3425.58	3596.86	3776.70	3965.54	7092.91	7447.55	7819.93	8210.92	8621.44
635-5	41.8003	43.8903	46.0848	48.3890	50.8085	3344.02	3511.22	3686.78	3871.12	4064.68	7270.23	7633.74	8015.43	8416.20	8837.01
636-5	42.8453	44.9876	47.2370	49.5989	52.0788	3427.62	3599.01	3778.96	3967.91	4166.30	7451.99	7824.61	8215.84	8626.63	9057.91
637-5	43.9164	46.1122	48.4178	50.8387	53.3806	3513.31	3698.98	3873.42	4067.10	4270.45	7638.29	8020.21	8421.20	8842.28	9284.51
638-5	45.0143	47.2650	49.6283	52.1097	54.7152	3601.14	3781.20	3970.26	4168.78	4377.22	7829.24	8220.71	8631.74	9063.34	9516.55
639-5	46.1397	48.4467	50.8690	53.4125	56.0831	3691.18	3875.74	4069.52	4273.00	4486.65	8024.99	8426.25	8847.54	9289.93	9754.44
640-5	47.2932	49.6579	52.1408	54.7478	57.4852	3783.46	3972.63	4171.26	4379.82	4598.82	8225.62	8636.89	9068.74	9522.17	9998.21

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-760

A RESOLUTION CERTIFYING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS THE AMOUNT OF MONEY NEEDED BY THE CITY OF MODESTO FOR THE 1989-90 PAYMENT OF PRINCIPAL AND INTEREST ON BONDS OF THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, notice is required to be given on or before the 15th day of July of each year by the City of Modesto to the Board of Supervisors of the County of Stanislaus of the amount of money needed to be raised through taxation for the payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1, and

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, the City of Modesto has determined that the total amount needed by it for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1 is \$329,600.00, and

WHEREAS, the City of Modesto desires that the Board of Supervisors of the County of Stanislaus levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount which is so certified, and that the County Auditor, in accordance with Section 4614.13, compute the rate of taxation needed to raise the sum of \$329,600.00 for the payment of principal and interest on the bonds of said district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, in accordance with the above-mentioned Section 4614.13 of the Health and Safety Code, that it does hereby certify to the Board of Supervisors of the County of Stanislaus that the amount of \$329,600.00 is needed by the City of Modesto for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it requires the Board of Supervisors of the County of Stanislaus to levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount of \$329,600.00 and that it requests the County Auditor of said county to compute the rate of taxation needed to raise the sum of \$329,600.00 for the payment of principal and interest on the bonds of said district.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
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. 89-761

A RESOLUTION ACCEPTING THE BID OF AMOUR GEORGE FOR PURCHASE OF PARCEL NO. 1  
AT THE NORTHEAST CORNER OF BRIGHTON AVENUE AND LOCKE ROAD

WHEREAS, Resolution No. 89-562 , adopted by the Council of the City of  
Modesto on May 16, 1989 , approved the plans and specifications for the  
sale of two parcels of excess land on Brighton Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of excess land on Brighton  
Avenue  
were opened at 10:00 a.m. on July 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  
Amour George for Parcel No. 1 in the amount of \$54,000  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Amour George for Parcel No. 1 in the amount of \$54,000  
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 18th day of July , 1989 , 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, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF AMOUR GEORGE FOR PURCHASE OF PARCEL NO. 2 AT THE SOUTHEAST CORNER OF BRIGHTON AVENUE AND LOCKE ROAD

WHEREAS, Resolution No. 89-562 , adopted by the Council of the City of Modesto on May 16, 1989 , approved the plans and specifications for the sale of two parcels of excess land on Brighton Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of excess land on Brighton Avenue

were opened at 10:00 a.m. on July 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 Amour George for Parcel No. 2 in the amount of \$54,200 be accepted as the lowest responsible bid.

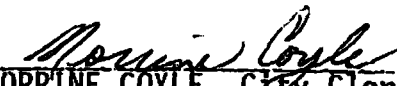
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Amour George for Parcel No. 2 in the amount of \$54,200 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July , 19 89 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-763

A RESOLUTION PROPOSING CHARTER AMENDMENTS TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 1989, IN THE CITY OF MODESTO, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY PROPOSALS TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTIONS 500, 501, 600, 601, 700, 701, 702, 704, 708, 800, 801, 901, 902, 904, 905, 906, 1104, 1105, 1302, 1305, 1307, 1400, 1500, AND 1602, 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 Sections 500, 501, 600, 601, 700, 701, 702, 704, 708, 800, 801, 901, 902, 904, 905, 906, 1104, 1105, 1302, 1305, 1307, 1400, 1500, and 1602, as set forth in the notice entitled "Proposed Amendments 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 7, 1989, the proposals 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 proposals as the proposals 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 amendments 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 AMENDMENTS

TO

THE CHARTER OF THE CITY OF MODESTO

Regular Municipal Election Tuesday, November 7, 1989

MEASURE   A  .

The Council of the City of Modesto hereby proposes, on its own motion, to amend Sections 500, 501, 600, 601, 700, 701, 702, 704, 708, 800, 801, 901, 902, 904, 905, 906, 1104, 1105, 1302, 1307, 1400 and 1500, of the Charter of the City of Modesto as follows:

SECTION 500. ENUMERATION. The elective officers of the City of Modesto shall be a Mayor and six (6) ~~Cómhéireann/Councilmembers~~.

The Council shall consist of the Mayor and six (6) ~~Cómhéireann/Councilmembers~~, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

SECTION 501. ELECTED AT LARGE. The Mayor and ~~Cómhéireann/Councilmembers~~ shall be elected at the regular municipal election on a general ticket from the City at large.

SECTION 600. TERM OF OFFICE. The Mayor shall hold office for a term of four (4) years from and after the first Tuesday following ~~his/the Mayor's~~ election and until ~~his/the Mayor's~~ successor is qualified and elected.

SECTION 601. POWERS AND DUTIES. The Mayor shall be recognized as the official head of the City for all political, representative and ceremonial purposes, and by the Governor for military purposes. In time of public danger or emergency, ~~he/the Mayor~~ may, with the consent of the Council, or pending a meeting of the Council, direct the administration of the City Government through the City Manager.

The Mayor shall be charged with the duty of making recommendations to the Council on all major matters of policy and program which require Council decision. The Mayor shall have the primary, but not exclusive, responsibility for interpreting the policies, programs and needs of the City government to the community. ~~He/The Mayor~~ may also, on ~~his/the Mayor's~~ own account, as may each individual

Councilman/Councilmember, inform the community on any matters of policy or program which He/The Mayor believes the welfare of the community makes necessary.

It shall be the duty of the Mayor to represent the Council in its relationships with civic groups within the City, and by direction of the Council, He/The Mayor shall represent the City in its relationships with other governmental agencies on matters of policy and program.

The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. He/The Mayor shall have no power to veto any ordinance or resolution adopted by the Council.

The Mayor shall have authority to preserve order at all Council meetings and to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council, and to determine the order of business under the rules of the Council. The Mayor shall exercise such other powers and perform such other duties as may be consistent with His/the Mayor's office or as may be granted to His/the Mayor by the Council not inconsistent with this Charter.

Nothing in this section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as chief administrative officer and head of the administrative branch of the City government as prescribed in other sections of this Charter.

SECTION 700. COUNCILMEM//COUNCILMEMBERS. TERM OF OFFICE. Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmen/Councilmembers shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

Ties in voting among candidates for any office shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective

office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which ~~he~~ the member holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election, the designation shall have no further significance except for the purpose of designating incumbency.

SECTION 701. ELIGIBILITY. No person shall be eligible to be nominated for or to hold office as a member of the Council or as Mayor unless ~~he~~ the person is and shall have been for at least thirty (30) days ~~preceding his~~ preceding the person's nomination or appointment a resident and registered elector of the City of Modesto or of territory annexed thereto.

SECTION 702. VACANCIES. If a vacancy shall occur in the office of Mayor or ~~Councilman~~ Councilmember, the Council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 701 of this Article and shall hold office until ~~his~~ a successor is duly elected and qualified. Such successor shall be chosen at the next regular municipal election, or as otherwise may be required by recall proceedings instituted involving the office of Mayor or a ~~Councilman~~ Councilmember.

In the event that the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

SECTION 704. ~~COUNCILMAN~~ COUNCILMEMBER TO HOLD NO OTHER OFFICE. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, nor be elected or appointed to any office created or the compensation of which is increased by the Council while ~~he~~ the person is a member thereof, until one (1) year after the expiration of the term for which ~~he~~ the member was elected.

SECTION 708. SPECIAL MEETINGS. A special meeting may be ordered at any time by the Mayor whenever in ~~his~~ the Mayor's opinion the public business may require it, or upon the written request of any four (4) members of the Council. Whenever a special meeting shall be called, the City Clerk shall cause written notice of such meeting to be given to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or must be

deposited in the United States mail, postage prepaid, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice and order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council.

Written notice to each member of the Council may be dispensed with as to any member of the Council who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member of the Council who is actually present at the meeting at the time it convenes.

SECTION 800. CITY MANAGER. There shall be a City Manager who shall be the chief executive officer and head of the administrative branch of the City government. ~~He~~/The City Manager shall be chosen on the basis of ~~his~~/the person's executive and administrative qualifications with special reference to ~~his~~/the person's actual experience in, or ~~his~~/the person's knowledge of accepted practices with respect to the duties of ~~his~~/the office as hereinafter set forth. No member of the Council shall be eligible for appointment to the office of City Manager during the term for which ~~he~~/the member shall have been elected or appointed, nor within one year thereafter. ~~He~~/The City Manager need not be a resident of the City or State at the time of ~~his~~/appointment, but during ~~his~~/the City Manager's tenure of office, ~~he~~/the City Manager shall reside within the City.

The Council shall appoint the City Manager for an indefinite term and may remove ~~him~~/the City Manager by a majority vote of its members provided, however, that the City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding the election of a member of the Council. The purpose of this provision is to allow any newly elected member of the Council to observe the actions and ability of the City Manager in the performance of powers and duties of ~~his~~/this office.

SECTION 801. POWERS AND DUTIES. The City Manager shall be head of the Administrative Branch of the City government. ~~He~~/The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, ~~he~~/the City Manager shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as ~~he~~/the City Manager may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption by the Council.

(c) Prepare and submit to the Council within ninety (90) days of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(d) Review procedures relating to the assessment, levy and collection of ad valorem property taxes and make recommendations regarding the same to the Council if deemed appropriate.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Establish and enforce specifications for supplies, materials and equipment required by the City.

(g) Cause all supplies purchased by the City to be inspected and a determination made that the same comply with specifications.

(h) Prepare rules and regulations governing the contracting for, purchasing, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance. Preference shall be given to the purchase of supplies, materials and equipment from local merchants, quality and price being equal.

(i) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(j) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations on any matter as the City Manager may ~~to~~/~~with~~/~~see~~/~~deem~~ desirable. |

(k) Make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed the amount specified in Section 1307 of this Charter.

(l) Appoint advisory boards, without compensation, to assist with/the City Manager in the performance of his/the City Manager's duty, if he/the City Manager deems it necessary. |

(m) Interchange employees between or among departments if he |  
the City Manager deems it proper so to do. |

(n) Immediately upon taking office, and annually thereafter, inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature

belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One (1) copy of such inventory shall be filed with the Council and one (1) with the auditor.

(o) Be responsible for the custody and control of all City property, the custody and control of which has not otherwise been provided for by this Charter.

(p) Perform such other duties as may be prescribed by this Charter or required of ~~him~~/the City Manager by the Council not inconsistent with this Charter.

(q) Sign all contracts, deeds and other documents on behalf of the City when authorized to do so by the Council or by this Charter.

The City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the Council, sell obsolete, unused or surplus personal property of the City.

The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The Council shall appoint one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager.

The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths of the members of such Council.

SECTION 901. OFFICE OF THE CITY CLERK. The office of the City Clerk is hereby established. It shall be the duty of the City Clerk to:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a record of all the actions of the Council;

(b) Keep all ordinances and resolutions of the Council in such manner that the information contained therein will be readily accessible and open to the public; ~~He~~/the City Clerk shall attach to the original copy of each ordinance a certificate which will state the date that the ordinance was adopted, and as to an ordinance requiring publication, that the same has been published in accordance with the Charter;

(c) Keep all records of the Council and of ~~his~~/the City Clerk's office in such manner that the information contained therein will be readily accessible and open to the public until such time as any of the records may be destroyed, or reproduced and the original thereof destroyed, in accordance with State law;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records;

(f) Have charge of all City elections;

(g) Be responsible for the publication of all official advertising of the City; and

(h) Perform such other duties consistent with this Charter as may be required of ~~him~~/the City Clerk by the Council.

SECTION 902. OFFICE OF THE CITY ATTORNEY. The Office of the City Attorney is hereby established. The City Attorney shall be an attorney at law, and shall be licensed to practice ~~his~~/the profession in the State of California. In addition, ~~he~~/the City Attorney should have had at least five (5) years' experience in the practice of law prior to ~~his~~/appointment. The City Attorney shall have the power and duty to:

(a) Represent and appear for the City, its Council, boards and commissions in all actions or proceedings in which they are concerned or are a party; and represent and appear for a City officer or employee, or a former City officer or employee, in all actions or proceedings in which such officer or employee is a party-defendant due to the performance of ~~his~~/the person's official duties, provided such representation and appearance, in the opinion of the City Attorney will not conflict with the City Attorney's duties to the City and will not affect the interests of the City;

(b) Advise the Council and all City officers in all matters of law pertaining to their offices;

(c) Attend all meetings of the Council, except when excused or disabled, and give ~~his~~/such advice or opinion on the legality of all matters under consideration by the Council or by any of the boards, commissions or officers of the City;

(d) Prepare ordinances, formal resolutions, contracts and other legal instruments as shall be required or as may be deemed necessary by ~~him~~/the City Attorney for the proper conduct of the business of the City, and approve the form of such contracts and the form of all bonds given to the City;

(e) Upon direction of the Council prosecute on behalf of the people all criminal cases for violation of City ordinances;

(f) Perform such other legal duties as may be required by the Council.

The Council may retain or employ other attorneys to take charge of any litigation or legal matter or to assist the City Attorney therein.

SECTION 904. COMPENSATION OF OFFICERS AND EMPLOYEES. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by ~~him~~/an officer or employee in connection with ~~his~~ said person's official duties shall be paid ~~by him~~/into the City Treasury.

SECTION 905. OATH OF OFFICE. Every officer of the City, before entering upon the duties of ~~his~~/the person's office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

SECTION 906. OFFICIAL BONDS. The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or ~~his~~/a superior officer's bond, for any wrongful act or omission of ~~his~~/a subordinate, unless such superior officer was a party to or conspired in such wrongful act or omission.

SECTION 1104. MEETINGS. ~~CHAIRMEN~~//CHAIRPERSONS. As soon as practicable following the first day of January of each year, each of such boards and commissions shall organize by electing one of its members to serve as ~~presiding officer~~/chairperson at the pleasure of such board or commission. Whenever a special meeting of any board or commission shall be called, the secretary shall cause written notice of such meeting to be given to each member of such board or commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or must be deposited in the United States mail, postage prepaid, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice and order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by said boards or commissions.

Written notice to each member of any board or commission may be dispensed with as to any member of any board or commission who, at or prior to the time the meeting convenes, files with the Secretary of such board or commission a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member of any board or commission who is actually present at the meeting at the time it convenes.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

Unless otherwise provided by the Council, or by this Charter, the City Manager shall provide a secretary for the recording of the minutes of each of such boards and commissions who shall keep a record of its proceedings and transactions. Each board and commission shall prepare and submit to the Council an annual report of its activities. Such report shall be made on the fiscal year basis and shall be submitted on or before September 1st of each year. Each board or commission shall prescribe its own procedural rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 1105. COMPENSATION. VACANCIES. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred in the performance of their official duties.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission ~~absent/himself~~ is absent from three (3) regular meetings of such board or commission, consecutively, unless by permission of such board or commission, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, ~~his/the member's~~ the member's office shall become vacant and shall be so declared by the Council.

SECTION 1302. ANNUAL BUDGET. On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which ~~he/the City Manager~~ the City Manager has control during the next ensuing year. Said estimate shall be in such detail as the Council shall specify. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SECTION 1307. PUBLIC WORK TO BE DONE BY CONTRACT. Every project involving an expenditure of City moneys of more than the amount specified in Section 37902 of the Government Code of the State of California, as the same now exists or may hereafter be amended for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of ~~his~~ the person's bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

SECTION 1400. FRANCHISES TO OPERATE. No person, firm or corporation shall exercise any franchise, right or privilege mentioned in this Article in the City except insofar as ~~he~~ the

person or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless ~~he~~/the person or it shall have obtained a grant therefor in accordance with the provisions of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in the Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

SECTION 1500. BOARD OF EDUCATION. The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County. The Board of Education shall consist of seven (7) members who may receive compensation pursuant to the applicable provisions of the Education Code of the State of California. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following the Regular Municipal Election at which they are elected and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless ~~he~~/the person is and shall have been for at least thirty (30) days preceding ~~his~~/the person's nomination or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

When a vacancy, as defined in Government Code 1770, occurs on the Board of Education, the Board of Education shall, within thirty (30) days, either make a provisional appointment to fill the vacancy or call for an election. Failure to take any action within thirty (30) days shall be treated as a call for an election. If a provisional appointment is made, registered voters of the district shall have thirty (30) days to present a petition to the Board of Education calling for a special election to fill the vacancy. The petition must contain the City Clerk's estimate of the cost of the special election and must be signed by at least one and one-half (1 1/2) percent of the registered voters, at the last municipal election, of the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board at the last

municipal election. If the City Clerk determines that the petition is legally sufficient, the provisional appointee shall step down and an election shall be called to fill the vacancy. The provisional appointment shall confer no powers and duties for the first thirty (30) days. If no petition is filed within thirty (30) days, the provisional appointee shall have all the powers and duties of a Board of Education member and shall hold office until the next regularly scheduled municipal election. If an election is held, it shall be to fill the vacancy for the remainder of the unexpired term. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one (1) or more separate election precincts; and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or regular elections pertaining to school matters.

The members of the Board of Education in office at the time this amendment to the Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected at the regular municipal election to be held during the year ~~of~~/that each said respective ~~terms~~/term expires.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE B.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 700 of the Charter of the City of Modesto as follows:

SECTION 700. COUNCILMEN. TERM OF OFFICE. Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmen shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

Ties in voting among candidates for any office If a tie vote makes it impossible to determine which of two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which he holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election, the designation shall have no further significance except for the purpose of designating incumbency.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE C.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 700 of the Charter of the City of Modesto as follows:

SECTION 700. COUNCILMEN. TERM OF OFFICE. Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmen shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

~~Ties/In/Voting/among/candidates/for/any/office/If a tie vote makes it impossible to determine which of two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.~~

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which he holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election, the designation shall have no further significance except for the purpose of designating incumbency.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure.

MEASURE C.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 700 of the Charter of the City of Modesto as follows:

SECTION 700. COUNCILMEN. TERM OF OFFICE. Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmen shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

Ties in voting among candidates for any office shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which he holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. ~~The person receiving the highest number of votes for each designated office shall be declared elected.~~ After election, the designation shall have no further significance except for the purpose of designating incumbency.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure.

MEASURE   D  .

The Council of the City of Modesto hereby proposes on its own motion to amend Section 801 of the Charter of the City of Modesto as follows:

SECTION 801. POWERS AND DUTIES. The City Manager shall be head of the Administrative Branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption by the Council.

(c) Prepare and submit to the Council within ninety (90) days of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(d) Review procedures relating to the assessment, levy and collection of ad valorem property taxes and make recommendations regarding the same to the Council if deemed appropriate.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Establish and enforce specifications for supplies, materials and equipment required by the City.

(g) Cause all supplies purchased by the City to be inspected and a determination made that the same comply with specifications.

(h) Prepare rules and regulations governing the contracting for, purchasing, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance. Preference shall be given to the purchase of supplies, materials and equipment from local merchants, quality and price being equal.

(i) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(j) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(k) Make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed the amount specified in Section 1307 of this Charter.

(l) Appoint advisory boards, without compensation, to assist him in the performance of his duty, if he deems it necessary.

(m) Interchange employees between or among departments if he deems it proper so to do.

(n) Immediately upon taking office, and annually thereafter, inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One (1) copy of such inventory shall be filed with the Council and one (1) with the auditor.

(o) Be responsible for the custody and control of all City property, the custody and control of which has not otherwise been provided for by this Charter.

(p) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

(q) Sign all contracts, deeds and other documents on behalf of the City when authorized to do so by the Council or by this Charter.

(r) The City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the Council, sell obsolete, unused or surplus personal property of the City.

(s) The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. ~~The Council shall appoint one of the other officers of the City to serve as manager pro tempore during any absence of the City Manager.~~

(t) The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths of the members of such Council.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE E.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 801 of the Charter of the City of Modesto as follows:

SECTION 801. POWERS AND DUTIES. The City Manager shall be head of the Administrative Branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption by the Council.

(c) Prepare and submit to the Council, ~~within/ninety/(90)/days of/the/end/of/the/fiscal/year//~~as soon as practicable but no later than one hundred thirty-five (135) days after the end of the fiscal year, a complete audited report on the finances and administrative activities of the City for the preceding year.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE F.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 801 of the Charter of the City of Modesto as follows:

SECTION 801. POWERS AND DUTIES. The City Manager shall be head of the Administrative Branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption by the Council.

(c) Prepare and submit to the Council within ninety (90) days of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(d) Review procedures relating to the assessment, levy and collection of ad valorem property taxes and make recommendations regarding the same to the Council if deemed appropriate.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Establish and enforce specifications for supplies, materials and equipment required by the City.

(g) Cause all supplies purchased by the City to be inspected and a determination made that the same comply with specifications.

(h) Prepare rules and regulations governing the contracting for, purchasing, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance. Preference shall be given to the purchase of supplies, materials and equipment from local merchants, quality and price being equal.

(i) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(j) Keep the Council advised of the financial conditions and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(k) Make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed the amount specified in Section 1307 of this Charter by ordinance of the City Council. |

(l) Appoint advisory boards, without compensation, to assist him in the performance of his duty, if he deems it necessary.

(m) Interchange employees between or among departments if he deems it proper so to do.

(n) Immediately upon taking office, and annually thereafter, inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One (1) copy of such inventory shall be filed with the Council and one (1) with the auditor.

(o) Be responsible for the custody and control of all City property, the custody and control of which has not otherwise been provided for by this Charter.

(p) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

(q) Sign all contracts, deeds and other documents on behalf of the City when authorized to do so by the Council or by this Charter.

The City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the Council, sell obsolete, unused or surplus personal property of the City.

The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The Council shall appoint one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager.

The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths of the members of such Council.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE G.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 1305 of the Charter of the City of Modesto as follows:

SECTION 1305. TAX LIMIT.

~~(A) // General // The Council shall not levy a property tax for municipal purposes for any fiscal year in excess of one dollar twenty-five (\$125) on each one hundred dollars (\$100.00) of assessed value of the taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of the majority of the electorate voting on a proposition to increase such levy at any election at which the question of such addition of levy for municipal purposes is submitted to the electorate // The number of years that such addition of levy is to be made shall be specified in such proposition~~

(B) // Under County Tax System // For the fiscal year in which the City avails itself of the general laws relative to the assessment and collection of City taxes by County Officials, and for each succeeding fiscal year, the City Council may levy a rate of tax for any purpose for which a maximum rate is specified by this section up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation of the entire City rolls used in the fiscal year immediately preceding the year for which the City availed itself of the County tax assessment and collection services exceeded the total assessed valuation of the property within the City on the entire County rolls for the same year

~~(c)~~ (a) Additional Taxes. There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provisions for the payment thereof is made:

(1) A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City;

(2) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System for retirement of the City employees, if any, due and unpaid or to become due during the ensuing fiscal year.

~~(d)~~ (b) Special Levies. Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each One Hundred and no/100th Dollars (\$100.00) of the assessed value of the taxable property in the City;

(1) For the support and maintenance of free public libraries and reading rooms, Twenty/twenty cents (20¢) (\$.20).

The proceeds of any such special levy shall be used solely for the respective purposes for which it is levied.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE H.

The Council of the City of Modesto hereby proposes on its own motion to amend Section 1307 of the Charter of the City of Modesto as follows:

SECTION 1307. PUBLIC WORK TO BE DONE BY CONTRACT. Every project involving an expenditure of City moneys of more than the amount ~~specified in Section 37902 of the Government Code of the State of California, as the same now exists or may hereafter be amended~~ which the City Council shall establish by ordinance, for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

MEASURE   I  .

The Council of the City of Modesto hereby proposes on its own motion to amend Section 1602 of the Charter of the City of Modesto as follows:

SECTION 1602. VIOLATION OF CHARTER AND ORDINANCES. The violation of, or the failure to comply with, any provisions of this Charter or of any ordinance of the City or of any provision of any code adopted by reference by the Modesto Municipal Code, shall be deemed a misdemeanor, unless the Council prescribes by ordinance that a violation of any specified ordinance shall be deemed an infraction shall be unlawful. Except as otherwise provided, such violation or failure to comply shall be deemed a misdemeanor, unless the City Attorney shall elect to charge the offense as an infraction, so long as any such election shall not adversely affect the citizen appeal process existing under this Charter.

Any such violations may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty for a misdemeanor upon conviction for the violation of, or failure to comply with, any provision of this Charter, or of any ordinance of the City, or of any provisions of any law adopted by reference by this code, shall be by a fine of not exceeding One Thousand and no/100ths Dollars (\$1,000.00) or by imprisonment for a term of not exceeding one (1) year or by both such fine and imprisonment. The maximum penalty for any infraction upon conviction shall be by a fine set by ordinance of the City of Five Hundred and no/100th Dollars (\$500.00), and there shall be no imprisonment. ~~Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City Jail, or in the County Jail by ordinance shall so prescribe, in the County Jail of the County in which the City of Modesto is situated, or any road established in Stanislaus County, in which case the expense of such imprisonment shall be a charge in favor of such County against the City of Modesto~~

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

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 a regular municipal election to be held in said City of Modesto on Tuesday, November 7, 1989, the following proposals to amend Sections 500, 501, 600, 601, 700, 701, 702, 704, 708, 800, 801, 901, 902, 904, 905, 906, 1104, 1105, 1302, 1305, 1307, 1400, 1500, and 1602 of said Charter as follows:

**CITY OF MODESTO MEASURES**

<p><u>MEASURE A</u></p> <p>City of Modesto Charter Proposal:</p>	<p>Amend Charter to make the Charter gender neutral. As currently in effect, the Charter reflects the masculine and not the feminine.</p>	YES	
		NO	
<p><u>MEASURE B</u></p> <p>City of Modesto Charter Proposal:</p>	<p>Amend Charter to clarify that whenever candidates for any elected office receive an equal number of votes, the successful candidate shall be selected by drawing of lots.</p>	YES	
		NO	
<p><u>MEASURE C</u></p> <p>City of Modesto Charter Proposal:</p>	<p>Amend Charter to eliminate the superseded provision of selecting councilmembers by the highest number of votes at a regular municipal election. This amendment will bring Section 700 into conformance with Section 300 as amended in 1987, which provides for run-off elections.</p>	YES	
		NO	
<p><u>MEASURE D</u></p> <p>City of Modesto Charter Proposal:</p>	<p>Amend Charter to delete any reference to the Council appointing one of the other officers of the City to serve as manager pro tempore during any absence or disability of the City Manager, as a Deputy City Manager is an established unclassified position in the City of Modesto.</p>	YES	
		NO	
<p><u>MEASURE E</u></p> <p>City of Modesto Charter Proposal:</p>	<p>Amend Charter to extend from 90 days to 135 days the time in which the City Manager may prepare and submit to the City Council a complete report on the finances and administrative activities of the City for the preceding year.</p>	YES	
		NO	

<u>MEASURE F</u> City of Modesto Charter Proposal:	Amend Charter to permit the City Manager to make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed an amount to be established by ordinance of the City Council.	YES	
		NO	
<u>MEASURE G</u> City of Modesto Charter Proposal:	Amend Charter to delete certain provisions regarding the City's taxing authority in order to be in compliance with Article XIII-A of the California Constitution.	YES	
		NO	
<u>MEASURE H</u> City of Modesto Charter Proposal:	Amend Charter to provide that every project involving an expenditure of City moneys of more than an amount to be specified by ordinance of the City Council for construction or improvement of certain public work shall be let by contract to the lowest responsible bidder.	YES	
		NO	
<u>MEASURE I</u> City of Modesto Charter Proposal:	Amend Charter to permit the City Attorney to prosecute certain violations of City Ordinances as a misdemeanor or as an infraction.	YES	
		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: \_\_\_\_\_, 1989.

\_\_\_\_\_  
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 measures 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 amendments 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 AMENDMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the Amendments 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 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-764

A RESOLUTION PROPOSING A CHARTER AMENDMENT TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 1989, 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 703 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 703 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 7, 1989, 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 7, 1989

MEASURE J.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 703 of the Charter of the City of Modesto as follows:

SECTION 703. COMPENSATION. ~~The Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance, provided, however, that shall receive a monthly salary of one thousand dollars (\$1,000.00) and Councilmembers shall each receive a monthly salary of eight hundred dollars (\$800.00). For each population increment of 50,000 persons in the City of Modesto, beginning with the 1989 annual estimate validated by the California Department of Finance, the salary of the Mayor shall be increased by two hundred dollars (\$200.00) and the salary of each member of the City Council shall be increased by one hundred sixty dollars (\$160.00).~~ Said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation shall be paid commencing at the time this amendment to the Charter takes effect. ~~Thereafter, changes in said monthly compensation shall be governed by Section 36516 of the Government Code of the State of California. The Mayor and members of the Council may each elect to receive medical insurance, dental and vision coverage, for themselves, as individuals, on the same terms and conditions as may be provided to management employees of the City, and shall also receive reimbursement for expenses incurred while performing official duties of their office. The Mayor and members of the Council shall also receive reimbursement for expenses incurred while performing official duties of their office.~~

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

PROPOSED AMENDMENT

TO

THE CHARTER OF THE CITY OF MODESTO

Regular Municipal Election Tuesday, November 7, 1989

MEASURE J.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 703 of the Charter of the City of Modesto as follows:

~~SECTION 703. COMPENSATION. The Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance, provided, however, that shall receive a monthly salary of one thousand dollars (\$1,000.00) and Councilmembers shall each receive a monthly salary of eight hundred dollars (\$800.00). For each population increment of 50,000 persons in the City of Modesto, beginning with the 1989 annual estimate validated by the California Department of Finance, the salary of the Mayor shall be increased by two hundred dollars (\$200.00) and the salary of each member of the City Council shall be increased by one hundred sixty dollars (\$160.00). Said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation shall be paid commencing at the time this amendment to the Charter takes effect. Thereafter, changes in said monthly compensation shall be governed by Section 36516.5 of the Government Code of the State of California. The Mayor and members of the Council may each elect to receive medical insurance, dental and vision coverage, for themselves, as individuals, on the same terms and conditions as may be provided to management employees of the City, and shall also receive reimbursement for expenses incurred while performing official duties of their office. The Mayor and members of the Council shall also receive reimbursement for expenses incurred while performing official duties of their office.~~

SECTION 703. COMPENSATION. The Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance, provided, however, that shall receive a monthly salary of one thousand dollars (\$1,000.00) and Councilmembers shall each receive a monthly salary of eight hundred dollars (\$800.00). For each population increment of 50,000 persons in the City of Modesto, beginning with the 1989 annual estimate validated by the California Department of Finance, the salary of the Mayor shall be increased by two hundred dollars (\$200.00) and the salary of each member of the City Council shall be increased by one hundred sixty dollars (\$160.00). Said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation shall be paid commencing at the time this amendment to the Charter takes effect. Thereafter, changes in said monthly compensation shall be governed by Section 36516.5 of the Government Code of the State of California. The Mayor and members of the Council may each elect to receive medical insurance, dental and vision coverage, for themselves, as individuals, on the same terms and conditions as may be provided to management employees of the City, and shall also receive reimbursement for expenses incurred while performing official duties of their office.

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

PROPOSED AMENDMENT

TO

THE CHARTER OF THE CITY OF MODESTO

Regular Municipal Election Tuesday, November 7, 1989

MEASURE J.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 703 of the Charter of the City of Modesto as follows:

SECTION 703. COMPENSATION. ~~The Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance;~~ shall receive a monthly salary of one thousand dollars (\$1,000.00) and Councilmembers shall each receive a monthly salary of eight hundred dollars (\$800.00). For each population increment of 50,000 persons in the City of Modesto, beginning with the 1989 annual estimate validated by the California Department of Finance, the salary of the Mayor shall be increased by two hundred dollars (\$200.00) and the salary of each member of the City Council shall be increased by one hundred sixty dollars (\$160.00). Said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation shall be paid commencing at the time this amendment to the Charter takes effect. ~~Hereafter, changes in said monthly compensation shall be governed by Section 36516 of the Government Code of the State of California.~~ The Mayor and members of the Council may each elect to receive medical insurance, dental and vision coverage, for themselves, as individuals, on the same terms and conditions as may be provided to management employees of the City, and shall also receive reimbursement for expenses incurred while performing official duties of their office. ~~The Mayor and members of the Council shall also receive reimbursement for expenses incurred while performing official duties of their office.~~

NOTE:

All of the above wording which is stricken out is now in the Charter and would be removed by this measure. All of the above wording which is underlined would be added by this measure.

**CITY OF MODESTO MEASURES**

<p><u>MEASURE J</u> City of Modesto Charter Proposal:</p>	<p>Amend Charter to provide for compensation for the Mayor and members of the City Council to be in the sum of \$1,000.00 for the Mayor and \$800.00 for each Council member per month, an adjustment factor of 20% of this base amount for each additional 50,000 persons added to the City's population, and medical insurance, dental and vision coverage for each member of the Council.</p>	<p>YES</p>	
		<p>NO</p>	

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: \_\_\_\_\_, 1989.

\_\_\_\_\_  
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 measures 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 amendments 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 AMENDMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the Amendments 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 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath, 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. 89-765**

**A RESOLUTION PROPOSING A CHARTER AMENDMENT TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 1989, 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 1109 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 1109 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 7, 1989, 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 7, 1989

MEASURE K.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1109 of the Charter of the City of Modesto as follows:

SECTION 1109. BOARD OF PERSONNEL APPEALS, POWERS AND DUTIES. The Board of Personnel Appeals shall have the power and duty to:

- (a) Select a hearing officer to hear the appeals of any person in the classified service relative to any suspension, demotion or dismissal, so long as a separate and distinct procedure has not been delineated by a valid and existing Memorandum of Understanding.
- (b) Act in an advisory capacity to the City Manager on such personnel matters as may be referred to it by the City Manager.

NOTE:

All of the above wording which is underlined would be added by this measure.

CITY OF MODESTO MEASURES			
<b>MEASURE K</b> City of Modesto Charter Proposal:	Amend Charter to provide for an alternative method of selecting a hearing officer for disciplinary actions when there is language in an employee group's Memorandum of Understanding specifying such method.	YES	
		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: \_\_\_\_\_, 1989.

---

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 measures 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 amendments 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 AMENDMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the Amendments 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 18th day of July, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-766

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND  
SUPERSEDING RESOLUTION NO. 88-435.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code authorizes the  
Council to establish sewer service charges from time to time by resolution,  
and

WHEREAS, the Council has previously established sewer service  
charges, and

WHEREAS, City staff has recommended adjustment in the various sewer  
service charges, and

WHEREAS, on July 18, 1989, the Council held a public hearing to  
consider the recommended adjustments in the sewer service charges,

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

SECTION 1. DEFINITIONS. Unless the context requires a different  
meaning, for the purposes of this resolution the definitions set forth in  
Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled  
"DEFINITIONS" shall apply.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each  
person owning property within the sewer district and receiving residential  
sewer service shall pay a sewer service charge to the City in accordance with  
the following rates for the period commencing on and after August 1, 1989.

- (a) The monthly sewer service charges for dwelling units, mobile  
homes and mobile home spaces in mobile home parks connected or  
required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$7.35
--	--------

Each dwelling unit in a duplex	\$5.73
One additional dwelling unit or mobile home on a lot	5.73
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	4.73

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate of 135% of the charges set forth above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after September 1, 1989:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on 65% of the quantity of water used measured in gallons and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	Sewer Service Charges Per 1000 Gals. of Water Used
<u>Group 1</u>	\$1.04
Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less	

Group 2

\$1.20

Combined B.O.D. and S.S. measured  
in mg/l is in the range of 401mg/l  
to 900 mg/l

Group 3

1.47

Combined B.O.D. and S.S. measured  
in mg/l is in the range of 901mg/l  
to 1400 mg/l

Group 4

1.76

Combined B.O.D. and S.S. measured  
in mg/l is over 1401 mg/l

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum \$2.00 per month sewer charge for commercial users.
- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 50/100ths (\$1.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
  - (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
  - (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
  - (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
  - (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after August 1, 1989:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$493.90 per million gallons of total flow.
  - 1. If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.
  - 2. If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
  - 3. In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$58.42 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$43.43 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate of 135% of the charges set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single family or mobile home on a lot (1 dwelling unit only)	\$3.12
Each dwelling unit in a duplex	2.17
One additional dwelling unit or mobile home on a lot	2.17
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	2.17
Service Fee	0.35

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service.

SECTION 8. EFFECTIVE DATE. The Commercial Service Charges established by this resolution shall become effective and apply on and after September 1, 1989, and the Residential Sewer Service Charges and Industrial Service Charges established by this resolution shall become effective and apply on and after August 1, 1989.

SECTION 9. SUPERSEDES PRIOR RESOLUTION. This resolution supersedes Modesto City Council Resolution No. 88-435.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: McGrath

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. 89-767

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC. FOR THE LEASE OF FIRE STATION NO. 10 IN CALIFORNIA CHARDONNAY SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad of Northern California, Inc., for the lease of Fire Station No. 10, in California Chardonnay Subdivision be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1989, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-768

A RESOLUTION ESTABLISHING A MAYOR'S CITIZEN'S COMMITTEE,  
"EVERYONE COUNTS IN MODESTO FOR AN ACCURATE 1990 CENSUS  
COMMITTEE".

WHEREAS, the next national census is April 1, 1990, and

WHEREAS, the United States Department of Commerce, Bureau of the  
Census, will work in cooperation with local governments before, during and  
after the 1990 census, and

WHEREAS, the basic reason for conducting the 21st census is to  
apportion seats in the United States House of Representatives, and

WHEREAS, census numbers are also used to determine state and local  
legislative districts, and population information is used in allocating state  
and federal funds, and

WHEREAS, the 1990 census will describe the nation and the  
communities that governments serve, the residents and where they live, the  
manner in which the residents are housed, and their social needs, and

WHEREAS, census data is also an important local planning tool that  
provides data for a host of city plans, programs, housing and transportation  
projects, and is a major resource for businesses and marketing firms in  
selecting sites for retail stores and new plants, assessing the availability  
of labor, and selecting locations for marketing goods and services, and

WHEREAS, local governments are vital to a complete and accurate  
count, and many communities are helping to promote cooperation by encouraging  
residents and employees to answer questionnaires through existing networks or  
organizing special action committees, and

WHEREAS, the homeless, illegal aliens, non-English speaking people, and fluctuating populations due to seasonal employment needs are traditionally undercounted, and

WHEREAS, by a memorandum dated July 11, 1989, to the City Manager, it has been requested by the Planning and Community Development Director of the City of Modesto that a citizen's committee be established to help reduce the undercount and to plan and implement local publicity and outreach activities, and

WHEREAS, at its meeting of July 18, 1989, the Council of the City of Modesto considered establishing a citizen's committee, "Everyone Counts In Modesto For An Accurate 1990 Census Committee",

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

1. There is hereby established a citizen's committee, "Everyone Counts in Modesto For An Accurate 1990 Census Committee".
2. The Committee shall consist of one (1) Planning and Community Development Department staff member, the Public Information Officer, and respected leaders from all segments of the community will be selected for appointment to the Committee; for example, business, labor, government, homeless, religious and educational organizations, neighborhood associations, and ethnic and minority organizations, and as more specifically identified on the list attached hereto, marked Exhibit A, and incorporated herein by reference.

3. A staff member from the Planning and Community Development Department shall also serve on the Committee, with assistance from the Public Information Officer for media and community outreach purposes, and

4. The basic role of the Committee is to plan and implement local publicity and outreach activities which will:

- (a) Inform everyone in the community to make them aware of the 1990 census.
- (b) Motivate everyone to participate in the 1990 census by appealing to self-interest and explaining the purpose and importance of the results of the census to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AFFIRMATIVE ACTION ORGANIZATIONS

Women's Center of Stanislaus  
Director  
219 McHenry Avenue  
Modesto, CA 95354

Florence Fernandez, President  
Mujeres Latinas  
P.O. Box 240  
Modesto, CA 95352

John Kenealy, Calif. Assn.  
of Physically Handicapped  
205 Floyd Avenue, Apt. 5  
Modesto, CA 95350

Lure Johnson, President  
N.A.A.C.P.  
P.O. Box 5224  
Modesto, CA 95353

George P. Sanchez, Coalition  
Center of the Disabled, Inc.  
120 East Granger Avenue  
Modesto, CA 95350

Sarun Prak, Executive Director  
Cambodian Employment Service  
500 9th Street  
Modesto, CA 95353

Tony Ramos, Modesto Chairman  
American G.I. Forum  
100 School Avenue  
Modesto, CA 95351

Khun Chan, Chairman  
Cambodian Community of Modesto  
P.O. Box 2745  
Modesto, CA 95351

Able Acosta, Regional Chair  
American G.I. Forum  
1002 Crows Landing Road  
Modesto, CA 95351

League of Women Voters  
P.O. Box E  
Modesto, CA 95352

John Alviso, Vice Pres.  
Bomberos of No. California  
2601 Edward Avenue  
Modesto, CA 95352

Ora Scruggs, Chair  
Minority Women's Network  
1704 Cheyenne Way  
Modesto, CA 95356

Mike Garcia, Executive Dir.  
Hispanic Chamber of Commerce  
946 McHenry Avenue, Suite 2  
Modesto, CA 95350

Nicholas Escalante Barrett  
Consul of Mexico  
1506 S Street  
Sacramento, CA 95814

Miguel Donoso, Co-Chairman  
Hispanic Commission  
114 Hackberry Avenue  
Modesto, CA 95354

COMMUNITY SERVICE  
ORGANIZATIONS

Assoc. for Retarded Citizens  
Ross Condit  
1424 Stonum Road  
Modesto, 95351

March of Dimes  
Lynn Senn  
126 Drake Ave.  
Modesto, CA 95350

Modesto Jaycees  
Scott Jasper  
P.O. Box 76  
Modesto, CA 95353

Society for Handicapped  
Children & Adults, John Mayo  
1122 Stoddard Ave.  
Modesto, CA 95350

Stan. Cty. Diabetes Assoc.  
Lois Holdridge  
P.O. Box 7015  
Modesto, CA 95355

United Cerebral Palsy  
Charles Ray, Jr.  
208 Campus Way  
Modesto, CA 95350

United Way of Stan. County  
Linda Avedon  
P.O. Box 3066  
Modesto, CA 95355

Westside Economic Minority  
Alliance, Inc.  
Ronald Arrington  
P.O. Box 2636  
Modesto, CA 95351

148PL2/1

POTENTIAL MEMBERS  
COMMUNITY ORGANIZATIONS

AARP #966  
Charles Raab  
1432 College  
Modesto, CA 95350

BIA  
Steve Mothersell  
1401 F Street  
Modesto, CA 95354

Church Women United  
Anna Greg  
3125 Pembroke Drive  
Modesto, CA 95350

Ecology Action  
Kevin Hansen  
P.O. Box 3222  
Modesto, CA 95352

Interfaith Ministries  
Mark Haskett  
120 Kerr  
Modesto, CA 95354

Chamber of Commerce  
Les Dabritz  
P.O. Box 844  
Modesto, CA 95353

King Kennedy Center, Board  
of Directors, Ray Prescott  
P.O. 642  
Modesto, CA 95353

Assyrian American Civic Club  
2618 N. Golden State Blvd.  
Turlock, CA 95380

Japanese American Citizens  
League  
12985 N. Cortez Ave.  
Turlock, CA 95380

Hispanic Chamber of Commerce  
Miguel Donoso, President  
605 H Street  
Modesto, CA 95354

Modesto Ministerial Assn.  
Dr. David Siefert  
605 Standiford Ave.  
Modesto, CA 95350

LOCAL CHURCH GROUPS

Westside Ministerial Alliance  
Reverend James Anderson  
1055 Elm St.  
Modesto, CA, 95351

Laotian-Cambodian-Thai  
New Life Center, Sam Siam  
1601 Coffee Rd.  
Modesto 95355, 575-4413

LOCAL MEDIA

KTRB Radio  
Carol Benson  
P.O. Box 3839  
Modesto, CA 95352

Dick LeGrand  
1325 H Street  
Modesto, CA 95353

EDUCATION

Debbe Bailey, Staff Liason  
Modesto School District  
426 Locust Street  
Modesto, CA 95351

Tom Van Groningen,  
Chancellor  
Yosemite Comm. College  
Dist.  
P.O. Box 4065  
Modesto, CA 95352

UTILITIES

Post Newsweek Cable  
Ken Berns, Manager  
1639 Princeton  
Modesto, CA 95350

MID

Joe Marcotte, C.E.O.  
P.O. Box 4060  
Modesto, CA 95352

P G & E  
Bill Seavy, Division  
Manager  
P.O. Box 3031  
Modesto, CA 95353

LABOR

HOMELESS

CVOC  
Harry De La Cruz  
701 H St.  
Modesto, CA, 95354

Stanislaus Womens Refuge Ctr  
Helen Butler, Director  
1604 Ford Avenue, Suite 2  
Modesto, CA 95350

Central Labor Council  
Jim Beiver, (AFLCIO)  
1340 Lone Palm Ave.  
Modesto, CA 95351

United Way Homeless Coalition  
Phyllis Babcock, Chairperson  
113 Palm Court  
Modesto, CA 95350

Teamsters Union Local 748  
Ron Ashlock, 1222 I St.  
Modesto, CA 95353

Salvation Army  
Diana Griswold  
P.O. Box 1663  
Modesto, CA 95353-1663

American Postal Workers  
1424 Carver Rd.  
Modesto. CA 95350

American Red Cross  
Mary K. Toepfer  
715 13th Street  
Modesto, CA 95353

Laborers Local Union #1130  
Richard Chrispin  
2549 Yosemite Blvd.  
Modesto, CA 95354

Stan. County Housing Auth.  
Helen White and Rich Chuban  
P.O. Box 3958  
Modesto, CA 95352

Building and Construction  
Trades Council  
1340 Lone Palm Avenue  
Modesto, CA 95351

INDUSTRY

The Proctor & Gamble Paper Company  
P.O. Box 4368  
Modesto, CA 95352  
Attn: Chief Exec. Officer

Doctor's Medical Center  
1441 Florida Avenue  
Modesto, CA 95350  
Attn: Doug Dent

Hunt-Wesson Foods  
554 S. Yosemite Avenue  
Oakdale, CA 95361-4098  
Attn: Art Cuadros,  
Personnel Mgr.

Campbell Soup Company  
P.O. Box 3051  
Modesto, CA 95353  
Attn: Fred George, Plt. Mgr.

Memorial Hospital Center  
1700 Coffee Road  
Modesto, CA 95355  
Attn: William Piche

International Paper  
660 Mariposa Road  
Modesto, CA 95354  
Attn: Fred Randle  
Sr. Plt. Mgr.

James River Corporation  
2200 Lapham Drive  
Modesto, CA 95354  
Attn: James McCormick, Mgr.

Gould Medical Foundation  
600 Coffee Road  
Modesto, CA 95355  
Attn: Gerry Benedict

Christian Salvesen  
2050 Lapham Drive  
Modesto, CA 95354  
Attn: Norm Porges, Mgr.

E & J Gallo Winery  
600 Yosemite Boulevard  
Modesto, CA 95354  
Attn: Robert Gould, Chief  
Exec. Officer

Ferry-Morse Seed Co.  
555 Codoni Avenue  
Modesto, CA 95352  
Attn: David Thompson, Pres.

Racor Division/Parker  
Hannifin Corp.  
3400 Finch Road  
Modesto, CA 95352  
Attn: Pete Popoff, GM

Modesto Board of Realtors  
422 McHenry Avenue  
Modesto, CA 95354  
Attn: Mrs. Beryl Anderson

General Foods  
705 E. Whitmore Avenue  
Modesto, CA 95352  
Attn: Bob Marek, Oper. Mgr.

Louis Rich, Inc.  
217 Daly Avenue  
Modesto, CA 95354  
Attn: Shari Rocha  
Exec. Sec.

Del Monte Corporation  
4000 Yosemite Boulevard  
Modesto, CA 95354  
Attn: Ron Melot, Supt./Prod.

Gerber Products Co.  
4324 Leckron Road  
Modesto, CA 95354  
Attn: Terry Broderick, Mgr.

S & W Fine Foods  
2801 Finch Road  
Modesto, CA 95354  
Attn: Fred Baker  
Plt. Mgr.

Tri-Valley Growers  
555 Mariposa Road  
Modesto, CA 95354  
Attn: Bob Mettler, Mgr.

Hershey Chocolate U.S.A.  
1400 S. Yosemite Avenue  
Oakdale, CA 95361  
Attn: William Charles, Plt. Mgr.

Weyerhaeuser Co.  
568 S. Riverside Dr.  
Modesto, CA 95352  
Attn: John Shores, GM

Nabisco Brands  
770 S. Garner Road  
Modesto, CA 95354  
Attn: Maryann Chandler, Mgr.

Whirlpool Distribution Center  
4207 Finch Road  
Modesto, CA 95354  
Attn: Rick Elliott, GM

CA Almond Growers Exchange  
4800 Sisk Road  
Modesto, CA 95356  
Attn: Lincoln Narkwith

EVERYONE COUNTS IN MODESTO  
COMMITTEE  
POTENTIAL MEMBERS

MAYORS - STANISLAUS COUNTY

Mayor Carol Whiteside  
City of Modesto  
P. O. Box 642  
Modesto, CA 95353

Mayor Lewis Arrollo  
City of Ceres  
P. O. Box 217  
Ceres, CA 95307-0217

Stanislaus County Board of  
Supervisors  
Rolland Starn, Chairman  
P.O. Box 583  
Modesto, CA 95353

Mayor Grant B. Jacobs  
City of Hughson  
P. O. Box 9  
Hughson, CA 95326

Mayor Janet Carlsen  
City of Newman  
P. O. Box 787  
Newman, CA 95360

Mayor Elmo Garcia  
City of Oakdale  
280 N. Third Avenue  
Oakdale, CA 95361

Mayor Wade Bingham  
City of Patterson  
P. O. Box 667  
Patterson, CA 95363

Mayor David A. White  
City of Riverbank  
6707 Third Street  
Riverbank, CA 95367

Mayor Bradford A. Bates  
City of Turlock  
P. O. Drawer T  
Turlock, CA 95381

Mayor Ronald D. Hernandez  
City of Waterford  
P. O. Box 199  
Waterford, CA 95386

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-769

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STAN YAMAMOTO, CITY ATTORNEY, TO EXTEND TERM THREE YEARS AND PROVIDE FOR EVALUATION OF THE PERFORMANCE OF THE CITY ATTORNEY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Stan Yamamoto, City Attorney, to extend term three years, to expire March 31, 1993, and provide for evaluation of the performance of the City Attorney 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 18th day of July, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-770

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT-A-CAR SYSTEM, INC. FOR THEIR OPERATION AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Avis Rent-A-Car System, Inc. for their car rental 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 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-771

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEMPER INSURANCE THROUGH GIDDINGS, CORBY, HYNES INSURANCE FOR RENEWAL OF BOILER AND MACHINERY INSURANCE FOR YEAR JULY 15, 1989 - JULY 15, 1990

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kemper Insurance through Giddings, Corby, Hynes Insurance, for renewal of Boiler and Machinery Insurance for year July 15, 1989 through July 15, 1990

be, and it is hereby approved.

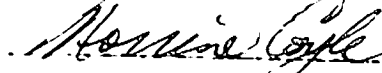
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-772

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE CITY OF MODESTO TO PROCESS THE MODESTO COMMERCE PARK VESTING TENTATIVE SUBDIVISION MAP, LOCATED PARTIALLY IN THE CITY AND PARTIALLY IN THE COUNTY

WHEREAS, the Stanislaus County Zoning Ordinance requires an agreement when the County authorizes a city to process a tentative subdivision map located partially in a city and the County.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for the City of Modesto to process the Modesto Commerce Park Vesting Tentative Subdivision Map, located partially in the City and partially in the County on the north side of Kansas Avenue east of Graphics Drive and west of Ninth 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 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-773

A RESOLUTION APPROVING AN EASEMENT AGREEMENT BETWEEN MERVYN'S DEPARTMENT STORE AND ADJACENT OWNER, TERRACOMMERCIAL DEVELOPMENT FOR CONSTRUCTION BETWEEN THE TWO BUILDINGS ON MCHENRY AVENUE

WHEREAS, the Mervyn's Department Store on McHenry Avenue desires to expand their department store by the use of the building owned by TerraCommercial Development; and

WHEREAS, because this construction involves the ownership of two properties, this agreement has been requested between the two owners with the City of Modesto listed as one of the signatories to the agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the easement agreement between Mervyn's Department Store and adjacent owner, TerraCommercial Development for construction between the two buildings on McHenry Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement agreement by the designated 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 July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-774

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LENNY SORRANO TO SIGN A GRANT DEED FOR EXCESS PROPERTY AT SISK AND PELENDALE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lenny Sorrano to sign a grant deed to him for excess property at Sisk and Pelendale be, and it is hereby approved.

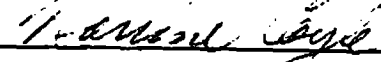
BE IT FURTHER RESOLVED that the execution of said grant deed by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-775

A RESOLUTION ESTABLISHING FUEL FLOWAGE FEES TO ALLOW AIRCRAFT OWNERS TO SELF-FUEL AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, a committee was established which consisted of aircraft owners using Mogas, a member of the Airport Advisory Committee, the Airport Manager and the Fire Marshal to develop a Self-Fueling Permit agreement form for use at the Modesto City-County Airport to allow aircraft owners to legally bring Mogas on the Airport and to require the payment of fuel flowage fees, and

WHEREAS, said committee developed a form entitled "Modesto City-County Airport Self-Fueling Permit", which form agreement was reviewed and approved by the Airport Advisory Committee and which has also been approved by the Federal Aviation Administration ("FAA") Airport Certification Officer for compliance, and

WHEREAS, the Council of the City of Modesto adopted Resolution No. 89-531, on May 2, 1989, which established a procedure whereby Self-Fueling Permit agreement forms may be entered into for the purpose of permitting self-fueling at the Modesto City-County Airport and to require the payment of fuel flowage fees, and

WHEREAS, the Council set a public hearing to be held at 7:30 p.m. on July 25, 1989, for the purpose of giving consideration to the establishment of fuel flowage fees, and

WHEREAS, the proposed fees have been approved by the City's Fees Task Force Committee,

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

1. Permittee shall pay an annual administrative fee of \$10.00.
2. Permittee shall pay an annual fuel flowage fee based upon the horsepower of the aircraft in accordance with the following schedule:

a.	1-65 H.P.	\$ 25.00
b.	66-150 H.P.	\$ 50.00
c.	151-300 H.P.	\$ 75.00
d.	301-650 H.P.	\$100.00
e.	651 H.P. and above	\$150.00

3. Permittee shall have the refueling tank inspected by the Fire Marshal prior to the issuance of said "Self-Fueling Permit," and annually thereafter, for a \$33.00 fee for said inspection fee.

BE IT FURTHER RESOLVED that the above fees and charges are effective retroactive to July 1, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-776

A RESOLUTION GRANTING THE APPEAL OF MODESTO IMAGING CENTER ON BEHALF OF ANTHONY C. PINGS AND ASSOCIATES TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT WHICH APPROVED A PLOT PLAN FOR A MEDICAL OFFICE COMPLEX IN THE P-O ZONE, PROPERTY LOCATED BETWEEN EAST COOLIDGE AND EAST GRANGER AVENUES, EAST OF MC HENRY AVENUE.

WHEREAS, Anthony C. Pings and Associates has applied for approval of a 24,200-square foot medical office complex in the P-O Zone, property located between East Coolidge and East Granger Avenues, east of McHenry Avenue, and

WHEREAS, the plot plan and elevation plans for the project were reviewed by the Board of Zoning Adjustment at its meeting on June 22, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in accordance with Article 27 of the Modesto Municipal Code, and

WHEREAS, at said hearing the Board of Zoning Adjustment, by Resolution No. 1397, approved the plot plan as requested for said medical office complex in the P-O Zone subject to certain conditions as required by Board of Zoning Adjustment Resolution No. 1397, including the requirement of one parking space for each 200 square feet of gross building area including a 3,000 square foot basement, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment approving said plot plan for a medical office complex in the P-O Zone was filed with the City Clerk by Modesto Imaging Center on behalf of Anthony C. Pings and Associates by letter dated June 29, 1989, relating to the requirement of one parking space for each 200 square feet of gross building area as required by reference by Condition No. 1 of Board of Zoning Adjustment Resolution No. 1397, 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 July 25, 1989, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto at the meeting on July 25, 1989, found and determined that the appeal of Modesto Imaging Center filed on behalf of Anthony C. Pings and Associates to the decision of the Board of Zoning Adjustment approving said plot plan for a medical office complex in the P-0 Zone, subject to requiring one parking space for each 200 square feet of gross building area as required by reference by Condition No. 1 of Board of Zoning Adjustment Resolution No. 1397, should be granted for the reason that a one-space per 200-square foot ratio is in excess of need since the basement is to be used for record storage only and that parking provided would exceed a one-space per 300-square foot ratio of general offices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the appeal of Modesto Imaging Center filed on behalf of Anthony C. Pings and Associates to the decision of the Board of Zoning Adjustment approving said plot plan for a medical office complex in the P-0 Zone for the reason mentioned above.

BE IT FURTHER RESOLVED that the conditions of approval of the plot plan for a medical office complex in the P-0 Zone are hereby amended to read as follows:

1. All development shall conform to the plot plan and floor plans titled "Modesto Imaging Center" as amended in red, stamped approved by the City Council on July 25, 1989.

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 west property lines adjacent to parking areas. 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 decorative masonry wall 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 developer shall dedicate street right-of-way required by the Public Works and Transportation Director to complete East Coolidge Avenue to residential street standards. 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. The East Granger 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.
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 issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the East Coolidge Avenue and East Granger Avenue frontages. The number shall be as determined by the Public Works and Transportation Director.
9. The developer shall dedicate to the City of Modesto a street tree planting easement along the East Coolidge Avenue frontage as required by the Parks and Recreation 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. 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.
14. All signs shall comply with the sign requirements of the P-0 Zone.
15. Prior to the occupancy of any building, a final parcel map or lot line adjustment shall be recorded in conjunction with development of the two office buildings.
16. 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 properties comprising the medical complex, substantially as shown in red on the plot plan.
17. The applicant shall record a covenant running with the land with the Stanislaus County Recorder's Office which shall restrict the use of said basement area for storage purposes.
18. 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.
19. 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 this P-0 plot plan approval, 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 prior to occupancy, the applicant shall enter into a covenant with the City of Modesto in a form and in a manner approved by the City Attorney to insure in perpetuity that the 3,000 square foot basement shall be used only for record and material storage and shall not be used for any other purpose.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-777

A RESOLUTION GRANTING THE APPEAL FILED BY MID-VALLEY ENGINEERING, INC., RELATING TO CONDITION NO. 6 OF PLANNING COMMISSION RESOLUTION NO. 89-89, WHICH GRANTED A REVISED DEVELOPMENT PLAN AND NEW DEVELOPMENT SCHEDULE FOR PLANNED DEVELOPMENT ZONE P-D(53), AND AMENDING SECTIONS 1 AND 2 OF CITY COUNCIL RESOLUTION NO. 68-1148 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-D(53)" AS AMENDED BY RESOLUTION NOS. 75-365, 75-442, 77-771 AND 81-477. (SYLVAN SQUARE SHOPPING CENTER.

AMENDED  
ON 4-28-09  
By Resolution 2009-191

WHEREAS, Ordinance No. 942-C.S., which was introduced on December 16, 1968, finally adopted on January 6, 1969, and which became effective on February 5, 1969, granted P-D(53) to allow a 10-acre neighborhood shopping center at the northeast corner of Coffee Road and Sylvan Avenue, and

WHEREAS, City Council Resolution No. 68-1148, adopted on December 16, 1968 approved the development plan and schedule for P-D(53) and also contained the conditions of approval for the development of uses on the P-D(53) property, and

WHEREAS, Ordinance No. 2046-C.S., which was introduced on June 9, 1981, and which became effective on July 9, 1981, amended the uses permitted in said P-D(53) Zone, and

WHEREAS, City Council Resolution Nos. 75-365, 75-442, 77-771 and 81-477 amended P-D(53), and said Resolution No. 81-477, adopted on June 9, 1981, amended P-D(53) to allow a building expansion on the neighborhood shopping center including a restaurant and bar serving alcoholic beverages with or without food, on property located on the northeast corner of Sylvan Avenue and Coffee Road, and contained the conditions of approval for said P-D(53), including the uses permitted by Ordinance No. 2046-C.S., and

WHEREAS, the applicant has requested approval of a new development schedule and revised development plan for P-D(53) to detail the proposed 7,000-square foot building at the southwest corner of the site, and

WHEREAS, said matter was set for public hearing before the Planning Commission on June 19, 1989, 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. 89-89 which granted a revised Development Plan with conditions of approval and a new Development Schedule for Planned Development Zone, P-D(53), and

WHEREAS, an appeal to Condition No. 6 of Planning Commission Resolution No. 89-89, relating to the required removal of a curbcut to be replaced with curb, gutter and sidewalk, was filed by Mid-Valley Engineering, Inc., with the City Council by a letter dated June 12, 1989, and

WHEREAS, said appeal was set for public hearing before the City Council 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 July 25, 1989, 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. 6 of Planning Commission Resolution No. 89-89, relating to the required removal of a curbcut to be replaced with curb, gutter and sidewalk, should be granted for the following reason:

The subject curbcut has already been in place for several years, providing access to the existing shopping center, and it would be an unreasonable and unnecessary access limitation to delete the curbcut.

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

SECTION 1. APPEAL GRANTED. The appeal filed by Mid-Valley Engineering, Inc., to Condition No. 6, relating to the required removal of a curbcut to be replaced with curb, gutter and sidewalk, of Planning Commission Resolution No. 89-89, which granted a revised Development Plan and new Development Schedule for Planned Development Zone, P-D(53), is granted for the reasons set forth above.

SECTION 2. AMENDMENT OF RESOLUTION NO. 68-1148. Section 1 of Resolution No. 68-1148, as amended by Resolution Nos. 75-365, 75-442, 77-771 and 81-477, is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(53), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Sylvan Square" as amended in red, stamped approved by the City Council on July 25, 1989.
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 northeast 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 decorative masonry wall along the northeast 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 occupancy as a traffic mitigation measure, the developer shall construct a 300 foot long traffic median in the Coffee Road right-of-way, on the north "leg" of the major street intersection in accordance with the requirements of the Public Works and Transportation Director.

6. Drainage shall be provided as required by the Public Works and Transportation Director.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
10. Any business may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment, in addition to those hour extensions already approved by Resolution 1103.
11. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
12. The loading dock area on the northeast side of the shopping center may not be used for outside storage of any type of material.
13. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.
14. Two freestanding shopping center identification signs shall be permitted, one each on the Coffee Road and Sylvan Avenue frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.
15. All conditions of City Council and Board of Zoning Adjustment Resolution Nos. 81-477 and 1103, respectively, not in conflict with this action shall remain in full force and effect.
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 3. AMENDMENT OF RESOLUTION NO. 68-1148, AS AMENDED BY RESOLUTION NOS. 75-365, 75-442, 77-771 AND 81-477. Section 2 of Resolution No. 68-1148, as amended by Resolution Nos. 75-365, 75-442, 77-771 and 81-477, is hereby amended to read as follows:

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(53):

All construction shall be accomplished in one phase to begin on or before June 19, 1991, and completion to be no later than June 19, 1992."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton,  
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. 89-778

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR WATERLINE EXTENSIONS ON ROUSE AVENUE, CREEKWOOD  
AVENUE, GLENN AVENUE, SEMALLON AVENUE, AND CLAUS ROAD

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

SECTION 1. The plans and specifications for waterline extensions on  
Rouse Avenue, Creekwood Avenue, Glenn Avenue, Semallon Avenue, and Claus 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 August 15, 1989, 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 25th day of July, 1989,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-779

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CHIP SEALING OF THE NINTH STREET BRIDGE

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

SECTION 1. The plans and specifications for the chip sealing of  
the Ninth Street 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 August 15, 1989, 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.

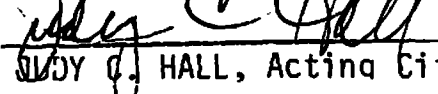
SECTION 3. After the bids are opened, they shall be tabulated and analyzed  
and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 25th day of July, 1989,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

A RESOLUTION AUTHORIZING THE ISSUANCE OF A CHANGE ORDER TO THE ORIGINAL PURCHASE ORDER FOR THE PURCHASE OF TWO ADDITIONAL FIRE PUMPER TRUCKS FROM PARAMOUNT EQUIPMENT SALES

WHEREAS, on July 5, 1988, the Council adopted Resolution No. 88-505, authorizing the purchase of two fire pumper trucks from Paramount Equipment Sales; and

WHEREAS, two new fire pumper trucks are needed for the two new Fire Stations No.s 9 and 10; and

WHEREAS, Paramount Equipment Sales is willing to accept a change order to the original purchase order for the addition of two more identical vehicles at the same price, terms and conditions.

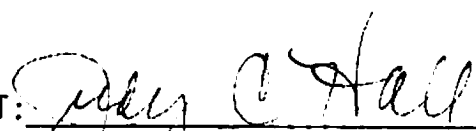
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the issuance of a change order to the original purchase order for the purchase of two additional fire pumper trucks from Paramount Equipment Sales for the total price of \$431,168, is hereby approved.

BE IT FURTHER RESOLVED that execution of said purchase order by the designated city officials is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-781

A RESOLUTION APPROVING A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES, INC. TO FUND THE PURCHASE OF TWO FIRE PUMPER TRUCKS

WHEREAS, the City of Modesto solicited third party proposals for lease purchase financing of two fire trucks having an approximate purchase cost of \$431,168.00; and

WHEREAS, Municipal Leasing Associates, Inc. acting as lessor on behalf of itself or its nominee has offered the City the most cost effective financing requiring periodic lease payments including principal plus interest computed at a 7.75% annual percentage rate.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the lease-purchase agreement between the City of Modesto and Municipal Leasing Associates, Inc. to fund the purchase of two fire pumper trucks for a total amount of \$431,168.00 be, and it is hereby approved.

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

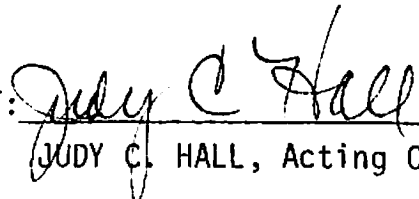
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-782

A RESOLUTION AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 1989-90 TO PROVIDE FINANCING FOR THE LEASE/PURCHASE OF TWO ADDITIONAL PUMPER FIRE TRUCKS.

WHEREAS, the City of Modesto has entered into a lease/purchase agreement with Municipal Leasing Associates for two pumper fire trucks in the total amount of \$431,168, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1989-90 to appropriate related revenue, capital expenditure, and debt service payments,

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

<u>Account</u>	<u>Description</u>	<u>Amount</u>
<u>Capital Purchase</u>		
Expenditure		
130-180-P848-6000	2 Pumper Fire Trucks	\$431,168
Revenue		
130-510-9510-8301.05	Other Financing Sources/ Capital Lease Proceeds	\$431,168
<u>Debt Service Payment</u>		
Expenditure		
132-120-DS65-0451	Principle	\$ 23,775
132-120-DS65-0452	Interest	\$ 16,708
132-800-8000-8003	Contingency Reserve	\$(40,483)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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

A RESOLUTION ACCEPTING THE BID OF WELDON, WELDON & COWELL FOR THE UNDERGROUND FUEL TANK REMOVAL AT FUEL ISLAND NO. 2 AT THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Resolution No. 89-609 , adopted by the Council of the City of Modesto on June 6, 1989 , approved the plans and specifications for the underground fuel tank removal at Fuel Island No. 2 at the Airport

and authorized the calling for bids; and

WHEREAS, the bids received for the underground fuel tank removal at Fuel Island No. 2 at the Modesto City-County Airport were opened at 11:00 a.m. on June 27, 1989 , 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 Weldon, Weldon & Cowell in the amount of \$22,229 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Weldon, Weldon & Cowell in the amount of \$22,229 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 July , 1989 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-784

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF TWENTY POLICE PATROL CARS FROM SOPP CHEVROLET OF HUNTINGTON PARK, CALIFORNIA

WHEREAS, the Police Department has requested vehicles to replace vehicles currently in operation that have high mileage and have become a safety concern to the Police staff; and

WHEREAS, Police vehicles in the past have been purchased off the State of California Cooperative Purchasing Contract, who have informed the City that due to an early plant shutdown at General Motors, they would be unable to issue a purchasing contract until the Spring of 1990; and

WHEREAS, through research, the Procurement Department was able to locate the Los Angeles County Cooperative Purchasing Contract for vehicles, which are available at Sopp Chevrolet of Huntington Park, California.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty Police patrol cars is hereby waived.

BE IT FURTHER RESOLVED that purchase of twenty Police patrol cars from Sopp Chevrolet of Huntington Park, California, for the total price of \$296,615.56 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-785

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$296,616 FROM CONTINGENCY RESERVE TO PURCHASE POLICE PATROL CARS**

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

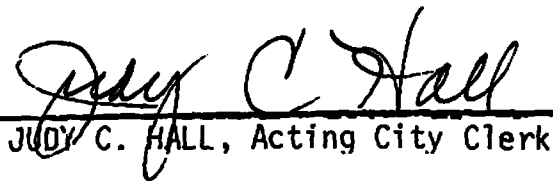
FROM:	Contingency Reserve (720 800 8000 8003)	\$296,616
TO:	Police Vehicles (720 480 5813 6434)	\$296,616

Funds are required to purchase twenty replacement Police vehicles due to high mileage and deterioration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

**ATTEST:**

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-786

A RESOLUTION ACCEPTING A BID OF \$189,000 FROM BUGS AND ROSE BOUGERBA FOR THE PURCHASE OF CITY PROPERTIES AT 101 A, B, C, AND D "I" STREET, 107-109 "I" STREET, AND 905 2ND STREET

WHEREAS, the City Council authorized the selection of Wolverine Real Estate to market the City property at 101 A, B, C and D "I" Street, 107-109 "I" Street, and 905 2nd Street, by Resolution No. 89-482 on April 11, 1989; and

WHEREAS, Wolverine has advertised the property, and a bid of \$189,000 was presented to the City by Bugs and Rose Bougerba, subject to repairs currently being done; and

WHEREAS, the Director of Planning and Community Development has recommended that the bid of Bugs and Rose Bougerba in the amount of \$189,000 be accepted as the lowest responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bugs and Rose Bougerba 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 July, 1989, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-787

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS RESIDENTIAL SERVICES FOR A GRANT OF \$31,500 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO ESTABLISH AND OPERATE A HALFWAY HOUSE FOR PERSONS COMPLETING A SUBSTANCE ABUSE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Residential Services for a grant of \$31,500 under the 1989-90 Community Development Block Grant program to establish and operate a halfway house for persons completing a substance abuse 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 25th day of July , 19 89 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-788

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EQUALITY COUNCIL FOR HOUSING OPPORTUNITIES OF STANISLAUS FOR A GRANT OF \$50,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FAIR HOUSING ACTIVITIES

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 \$50,000 under the 1989-90 Community Development Block Grant program for fair housing activities

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July , 1989 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-789

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MULTI CULTURAL CENTER FOR A GRANT OF \$17,000 FOR START-UP OPERATIONS UNDER THE 1988-89 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AMENDING THE 1988-89 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

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 \$17,000 for start-up operations under the 1988-89 Community Development Block Grant program, and amending the 1988-89 Final Statement of Community Development Objectives be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July , 1989 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-790

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA ASSOCIATION OF THE PHYSICALLY HANDICAPPED FOR \$5,000 TO PURCHASE EQUIPMENT FOR THE HEARING IMPAIRED UNDER THE 1988-89 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND AMENDING THE 1988-89 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Association of the Physically Handicapped for \$5,000 to purchase equipment for the hearing impaired under the 1988-89 Community Development Block Grant Program, and amending the 1988-89 Final Statement of Community Development Objectives be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-791

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR REPLACEMENT OF 8" CLAY PIPE WITH 8" DUCTILE IRON SEWER PIPE ON HIGHWAY 132 BETWEEN D STREET AND SANTA ROSA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for replacement of 8" clay pipe with 8" ductile iron sewer pipe on Highway 132 between D Street and Santa Rosa Avenue

be, and it is hereby approved.

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

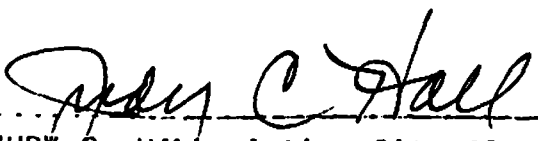
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July , 19 89 , by Councilmember Irizarry , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-792

A RESOLUTION VACATING AND ABANDONING A 10-FOOT PUBLIC UTILITY EASEMENT IN LOT 12 OF BLOCK 3024 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 Lot 12 of Block 3024 in the City of Modesto, described in Exhibit "A" attached hereto, which is a 10-foot public utility easement in Lot 12 of Block 3024 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 10-foot public utility easement in Lot 12 of Block 3024 in the City of Modesto, is no longer necessary for public utility easement purposes.

3. That from and after the date this resolution is recorded, the 10-foot public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot public utility easement located in Lot 12 of Block 3024 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 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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

APPROVED AS TO DESCRIPTION:

By Jerry But  
Engineering Services Department

VACATE AND ABANDON A 10-FOOT PUBLIC UTILITY EASEMENT  
IN LOT 12 OF BLOCK 3024

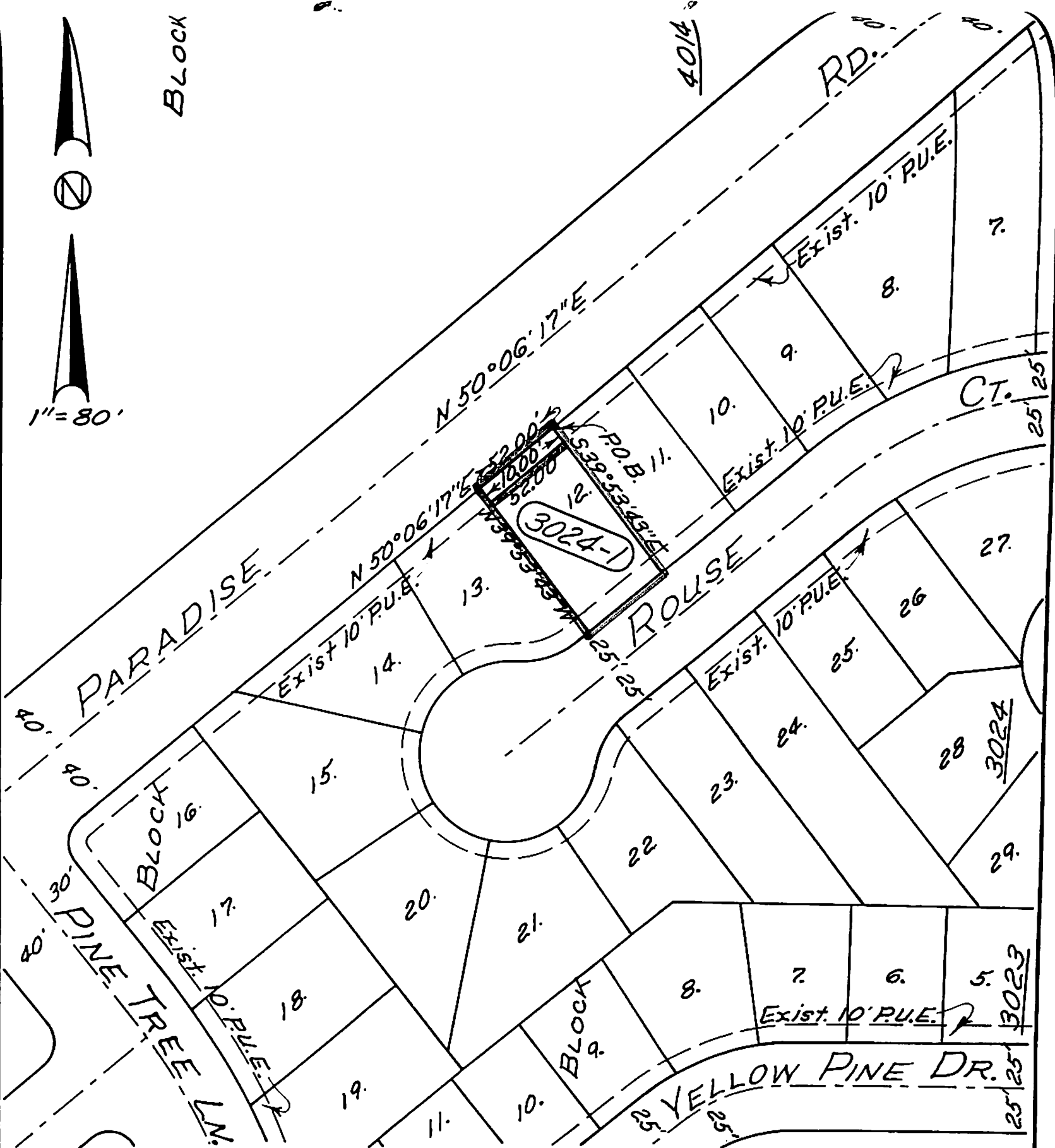
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 12 in Block 3024 of the PARADISE ESTATES SUBDIVISION, as per map filed June 24, 1987 in Book 31 of Maps, Page 95, Stanislaus County Records, described as follows:

Beginning at the most Northerly corner of said Lot 12, said corner being on the Southeastern line of 80.00 foot Paradise Road; thence along the Northeastern line of Lot 12, South  $39^{\circ} 53' 43''$  East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southeasterly from said Southeasterly line of Paradise Road; thence along said parallel line, South  $50^{\circ} 06' 17''$  West, 52.00 feet, to a point on the Southwestern line of Lot 12; thence along said Southwestern line of Lot 12, North  $39^{\circ} 53' 43''$  West, 10.00 feet, to the most Westerly corner of Lot 12; thence along the Northwesterly line of Lot 12 and the Southeasterly line of Paradise Road, North  $50^{\circ} 06' 17''$  East, 52.00 feet, to the point of beginning.



BLOCK

4014



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 July 17, 1989	DRAWN J. Christiansen	CHECKED	
VACATE AND ABANDON A 10-Ft. PUBLIC UTILITY EASEMENT IN LOT 12 OF BLOCK 3024-LD89-D		4-A-730	

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-793

A RESOLUTION ACCEPTING IMPROVEMENTS IN ORANGEBURG PROFESSIONAL PLAZA SUBDIVISION AND AUTHORIZING RELEASE OF SECURITY

WHEREAS, Scott Orangeburg Investors, subdividers of Orangeburg Medical Offices Subdivision have filed a cashier's check for faithful performance and labor and materials in the amount of \$1,600.00 and \$800.00 respectively to guarantee improvements in Orangeburg Professional Plaza and;

WHEREAS, the Director of Engineering in a memorandum dated July 5, 1989 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 funds upon expiration of the statutory period.


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

1. The improvements in Orangeburg Professional Plaza Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the funds for faithful performance in the amount of \$1,600.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the funds for labor and materials in the amount of \$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 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-794

A RESOLUTION TRANSMITTING COPY OF PROPOSED MEASURES AMENDING THE CITY CHARTER TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 5011 of the Elections Code provides that whenever any city measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis of the measure; and

WHEREAS, a copy of the measures amending the City Charter proposed for the November 7, 1989 ballot is attached hereto, marked Exhibit "A", and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized to transmit a copy of the measures to the City Attorney for preparation of an impartial analysis showing the effect of the measures on the existing law and the operation of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1989, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

NOTICE IS HEREBY GIVEN that the following measures are to be voted on at the regular municipal election to be held in the City of Modesto, on Tuesday, the 7th day of November, 1989:

- MEASURE A Amend Charter to make the Charter gender neutral. As currently in effect, the Charter reflects the masculine and not the feminine.
- MEASURE B Amend Charter to clarify that whenever candidates for any elected office receive an equal number of votes, the successful candidate shall be selected by drawing of lots.
- MEASURE C Amend Charter to eliminate the superseded provision of selecting councilmembers by the highest number of votes at a regular municipal election. This amendment will bring Section 700 into conformance with Section 300 as amended in 1987, which provides for run-off elections.
- MEASURE D Amend Charter to delete any reference to the Council appointing one of the other officers of the City to serve as manager pro tempore during any absence or disability of the City Manager, as a Deputy City Manager is an established unclassified position in the City of Modesto.
- MEASURE E Amend Charter to extend from 90 days to 135 days the time in which the City Manager may prepare and submit to the City Council a complete report on the finances and administrative activities of the City for the preceding year.
- MEASURE F Amend Charter to permit the City Manager to make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed an amount to be established by ordinance of the City Council.

MEASURE G Amend Charter to delete certain provisions regarding the City's taxing authority in order to be in compliance with Article XIII-A of the California Constitution.

MEASURE H Amend Charter to provide that every project involving an expenditure of City moneys of more than an amount to be specified by ordinance of the City Council for construction or improvement of certain public work shall be let by contract to the lowest responsible bidder.

MEASURE I Amend Charter to permit the City Attorney to prosecute certain violations of City Ordinances as a misdemeanor or as an infraction.

MEASURE J Amend Charter to provide for compensation for the Mayor and members of the City Council to be in the sum of \$1,000.00 for the Mayor and \$900.00 for each Councilmember per month, an adjustment factor of 20% of this base amount for each additional 50,000 persons added to the City's population, and medical insurance, dental and vision coverage for each member of the Council.

MEASURE K Amend Charter to provide for an alternative method of selecting a hearing officer for disciplinary actions when there is language in an employee group's Memorandum of Understanding specifying such method.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-795

A RESOLUTION REAPPOINTING MEMBERS OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. The following persons are hereby reappointed to the Citizens Housing and Community Development Committee:

John Kenealy, Citizen at Large - term to expire 6/30/93

David Dill, Human Relations Commission - term to expire 6/30/93

Ora Scruggs, Citizen at Large - term to expire 6/30/93

Steven Franklin, Citizen at Large - term to expire 6/30/93

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members 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 25th day of July, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-797

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR 1989 CAPE SEALS

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

SECTION 1. The plans and specifications for the 1989 cape seals

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 15, 1989, at 11:10 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 1st day of August, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-798

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR SALE OF A 2,786+ SQUARE FOOT FOUR-BEDROOM, THREE-  
BATH HOUSE LOCATED AT 2845 LINCOLN AVENUE

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 2,786+ square  
foot four-bedroom, three-bath house located at 2845 Lincoln 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 September 5, 1989, 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 1st day of August, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-799

A RESOLUTION ACCEPTING THE WESSON RANCH PARK PLAY APPARATUS INSTALLATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the installation of the Wesson Ranch Park play apparatus

has been completed by B & L Builders, Inc.

in accordance with the contract agreement dated February 14, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the installation of the Wesson  
Ranch Park play apparatus

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 \$43,372.25 as provided  
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 1st day of August,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-800

A RESOLUTION ACCEPTING THE FLOYD/ROSELLE WATERLINE EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Floyd/Roselle waterline extension

has been completed by Clyde Wheeler Pipeline, Inc.

in accordance with the contract agreement dated December 13, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Floyd/Roselle waterline  
extension

be accepted from said contractor, Clyde Wheeler Pipeline, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$36,938.34 as provided  
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 1st day of August ,  
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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-801

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO ROTARY FLAIL MOWERS FROM H.V. CARTER COMPANY

WHEREAS, the Parks and Recreation Department has requested the purchase of two rotary flail mowers to continue meeting the 1989 seasonal cutting service demands and to keep health and safety standards high; and

WHEREAS, an informal bid was done by the Purchasing staff with H.V. Carter Company submitting the lowest responsible bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two rotary flail mowers is hereby waived.

BE IT FURTHER RESOLVED that purchase of two rotary flail mowers from H.V. Carter Company for the total cost of \$83,203.64, 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 August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-802

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$82,203.64 FROM  
CONTINGENCY RESERVE TO FUND THE PURCHASE OF TWO ROTARY FLAIR MOWERS

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

FROM: Service Division Contingency Reserve \$83,204.00  
(720 800 8000 8003)

TO: Gang Mowers \$83,204.00  
(720 480 5812 5435)

Purchase of two replacement rotary flair mowers from H.V. Carter Company  
needed to replace mowers that are 7 years old and are unreliable. These  
mowers are a safety issue with City staff.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 1st day of  
August, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-803

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO DETROIT DIESEL ENGINES FROM RUSSET POWER SYSTEMS

WHEREAS, the Public Works Transit Division has requested the purchase of two diesel engines to replace two "blown" engines; and

WHEREAS, bids were solicited on an informal basis from the three known sources of diesel engines, with Russet Power Systems submitting the lowest responsible bid.

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

BE IT FURTHER RESOLVED that purchase of two Detroit diesel engines from Russet Power Systems for the total price of \$24,006.00, 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 August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-804

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA RURAL LEGAL ASSISTANCE (CRLA), MODESTO CHAPTER, FOR A GRANT OF \$8,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR A TENANTS' RIGHTS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Rural Legal Assistance (CRLA), Modesto Chapter, for a grant of \$8,000 under the 1989-90 Community Development Block Grant program, to write and print tenants' rights handbooks and to translate the handbooks into other languages be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-805

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA RURAL LEGAL ASSISTANCE (CRLA), MODESTO CHAPTER, FOR A GRANT OF \$12,975 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, TO DO AN AFFORDABLE HOUSING SURVEY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Rural Legal Assistance Modesto Chapter, for a grant of \$12,975 under the 1989-90 Community Development Block Grant program, to determine need and types of affordable housing 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 1st day of August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-806

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM OF STANISLAUS COUNTY (SOSP) FOR A GRANT OF \$17,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, TO ESTABLISH A COMBINED ADMINISTRATION OF FOUR SENIOR SERVICE AGENCIES

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 of Stanislaus County (SOSP) for a grant of \$17,000 under the 1989-90 Community Development Block Grant Program, to combine administration of Alzheimers Disease, head trauma, stroke resources, and widows and widowers be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August , 19 89 , by Councilmember McGrath , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-807

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM OF STANISLAUS COUNTY (SGSP) FOR A GRANT OF \$5,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, TO ASSIST SENIOR CITIZENS WITH MINOR HOME REPAIR PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program of Stanislaus County (SOSP) for a grant of \$5,000 under the 1989-90 Community Development Block Grant Program, to do minor repairs in the homes of low income seniors

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-808

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SENIOR OPPORTUNITY SERVICE PROGRAM OF STANISLAUS COUNTY (SOSP) FOR A GRANT OF \$9,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR THEIR SENIOR NUTRITION AND MEALS TRANSPORTATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Senior Opportunity Service Program of Stanislaus County (SOSP) for a grant of \$9,000 under the 1989-90 Community Development Block Grant Program, for their Senior Nutrition and Meals Transportation 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 1st day of August , 19 89 , by Councilmember McGrath , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL.  
RESOLUTION NO. 89-809

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE YES YOU CAN MUSEUM FOR A GRANT OF \$12,500 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR EXHIBIT AND PROGRAMMING ASSISTANCE

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 \$12,500 under the 1989-90 Community Development Block Grant Program, to expand the children's exhibits and programs

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norriie Coyle  
NORRIIE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-810

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE VOLUNTEER CENTER FOR A GRANT OF \$10,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, TO OPERATE AN ADULT LITERACY TUTORING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Volunteer Center for a grant of \$10,000 under the 1989-90 Community Development Block Grant Program, to operate an adult literacy tutoring 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 1st day of August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-811

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MULTI CULTURAL CENTER FOR A GRANT OF \$18,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR PROGRAM FUNDING OF JOB READINESS TRAINING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Multi Cultural Center for a grant of \$18,000 under the 1989-90 Community Development Block Grant program, for program funding of job readiness training for diverse ethnic groups 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 1st day of August , 19 89 , by Councilmember McGrath , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-812

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED WAY FOR A GRANT OF \$25,000 UNDER THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, TO OPERATE THE SENIOR AIDES PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Way for a grant of \$25,000 under the 1989-90 Community Development Block Grant Program, to operate the Senior Aides 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 1st day of August , 1989 , by Councilmember McGrath , who moved its 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, McGrath, Muratore, Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-813

A RESOLUTION AUTHORIZING CREATION OF AN ADDITIONAL  
ALLOCATED POLICE CLERK POSITION.

WHEREAS, the Police Department Special Investigation Detail has shared office space, which is located away from the Police Department building, with the Stanislaus County Drug Enforcement Unit, and

WHEREAS, said Special Investigation Detail officers have not had clerical support, and

WHEREAS, the Chief of Police has requested authorization to create an additional Police Clerk position for the purpose of handling routine clerical duties that are currently being done by the officers and to type reports as needed; in addition, the Police Clerk would also assist the current Stanislaus County Drug Enforcement Unit clerical staff at, and

WHEREAS, the cost of the additional Police Clerk position would be shared equally by the Police Department and the Stanislaus County Drug Enforcement Unit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that authorization is hereby granted to create an additional allocated Police Clerk position.

BE IT FURTHER RESOLVED that a resolution is also concurrently adopted, on this date, amending the Annual Budget to provide the necessary financing for the creation of the additional allocated Police Clerk Position granted herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-814

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1989-90 TO APPROPRIATE FUNDS FOR  
THE HIRING OF ONE POLICE CLERK.

WHEREAS, it is necessary to amend the Annual Budget of the City of  
Modesto for the Fiscal year 1989-90 in the net amount of \$13,423 to  
appropriate funds for the hiring of one Police Clerk, and

WHEREAS, the cost for the position is to be shared equally by the  
City of Modesto and the Stanislaus Drug Enforcement Agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the General Fund, Fund No. 010, of the 1989-90 Annual Budget of the City  
of Modesto be amended as follows:

GENERAL FUND (FUND NO. 010)

<u>Agcy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
190/1901/0110	Salaries & Wages	\$ 19,885
190/1901/0160	PERS	6,795
190/1901/0165	Uniform Allowance	165
190/1901/9990	Service Credits (Fund 885)	(13,422)
800/8000/8003	General Fund Reserve	(13,423)

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 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-815

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING  
TUESDAY, AUGUST 8, 1989, 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 8, 1989, 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 6th Annual "National Night Out" on Tuesday, August 8, 1989.

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 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-816

A RESOLUTION APPROVING THE FINAL MAP OF THE DUTCH FAIRE II  
PHASE II SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sterling - Security Partnership I, a California General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.207 acres, known as the Dutch Faire II Phase II Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 17th day of August, 1987, 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 Dutch Faire II Phase II Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, 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 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-817

A RESOLUTION APPROVING THE FINAL MAP OF THE MOUNTAINVIEW  
TERRACE UNIT NO. 1 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 14.425 acres, known as the Mountainview Terrace 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 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. 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 1st day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-818

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. ARTHUR FOR DRAFTING SERVICES FOR UPDATING OF RECORD MAPS WITH BOTH SEWER AND WATER SYSTEM INFORMATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Robert C. Arthur for drafting services for updating or record maps with both sewer and water system information be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-819

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$27,000 FROM CONTINGENCY RESERVE TO FUND DRAFTING SERVICES FOR UPDATING RECORD MAPS WITH SEWER AND WATER SYSTEM INFORMATION**

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

FROM:	Contingency Reserve (621 800 8000 8003)	\$13,500
	Contingency Reserve (610 800 8000 8003)	\$13,500
TO:	Sewer Record Mapping (621 480 P806 6000)	\$13,500
	Water Record Mapping (610 480 P805 6000)	\$13,500

At the time the CIP budget was put together, funds were not available. Finance now advises that funds are available from reserve. This transfer will provide funding for sewer and water record mapping for continued updating operation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-820

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE J. AND LINDY J. MARTIN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1049 LONE PALM AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joe J. and Lindy J. Martin for water service to property outside City limits at 1049 Lone Palm Avenue between Emerald Avenue and Kansas Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 19 89, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-821

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSELL ENGINEERS FOR REFUND OF \$2,087.72 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell Engineers for refund of \$2,087.72 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 1st day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-822

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT AMERICAN INSURANCE THROUGH GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF MUSEUM FLOATER POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Great American Insurance through Giddings, Corby, Hynes, Inc. for the renewal of Museum floater policy, August 6, 1989 through August 6, 1990

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August , 19 89 , 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-823

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE REMOVAL OF THE EXISTING BLEACHERS AND REPAIR  
OF CONCRETE AT MANCINI BOWL

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

SECTION 1. The plans and specifications for the removal of the existing bleachers and the repair of concrete at Mancini Bowl copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 29, 1989, 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 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-024

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE INSTALLATION OF SEATING IN MANCINI BOWL/  
GRACEADA PARK

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

SECTION 1. The plans and specifications for the installation of  
seating in Mancini Bowl/Graceada Park  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on August 29, 1989, 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 8th day of August, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Sutton, was upon roll call  
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-825

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT DALE ROAD AND SNYDER AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the traffic signals and street improvements at Dale Road and Snyder Avenue

has been completed by Collins Electric Company, Inc.

in accordance with the contract agreement dated December 20, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the traffic signals and street improvements at Dale Road and Snyder Avenue

be accepted from said contractor, Collins Electric Company, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$120,950 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 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-826

A RESOLUTION ACCEPTING THE WELL NO. 13 SAND TRAP INSTALLATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Well No. 13 sand trap installation

has been completed by Howk Systems

in accordance with the contract agreement dated August 23, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the Well No. 13 sand trap  
installation

be accepted from said contractor, Howk Systems ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$47,945 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 8th day of August,  
19 <sup>89</sup>, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Sutton, was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-827

A RESOLUTION ACCEPTING THE MUNCY, LAKEWOOD AND SIPHERD PARKS LIGHTING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Muncy, Lakewood and Sipherd Parks lighting

has been completed by Heaps Electrical, Inc.

in accordance with the contract agreement dated March 21, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Muncy, Lakewood and Sipherd  
Parks lighting

be accepted from said contractor, Richard A. Heaps Electrical, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$24,049 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 8th day of August ,  
19 89 by Councilmember Lang , who moved its adoption, which  
motion being duly seconded by Councilmember Sutton , was upon  
roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-828

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD TO REIMBURSE THEM FOR INSTALLATION OF A 12 INCH SANITARY SEWER SUBTRUNK IN CALIFORNIA CHARDONNAY SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad to reimburse them for installation of a 12 inch sanitary sewer subtrunk in California Chardonnay Subdivision located on Whitmore Avenue and 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 8th day of August, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Sutton , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-829

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD TO REIMBURSE THEM FOR INSTALLATION OF A STORM DRAIN TRUNK LINE IN CALIFORNIA CHARDONNAY SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad to reimburse them for installation of a storm drain trunk line in California Chardonnay Subdivision located on Whitmore Avenue and 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 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-830

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO IN ORDER TO ESTIMATE ADDITIONAL REVENUE AND APPROPRIATE REVENUE FOR RESIDENTIAL ALLEY IMPROVEMENT CONSTRUCTION PROJECTS.

WHEREAS, residential alley paving projects will be fully supported by the property owners receiving the benefit, and

WHEREAS, it is necessary to estimate additional revenue in Fund 130, the Special Fund for Capital Outlays, for the full cost of the projects, and

WHEREAS, it is necessary to appropriate the additional revenue in a new capital improvement project account within Fund 130,

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/Agcy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
130/430/P867/6000	Residential Alley Paving	\$ 155,000
<u>Revenues</u>		
130/510/9510/4054	Alley Improvement Reimbursement	155,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-831

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$5,000 FOR ONE-THIRD OF THE COST OF A BLOCK WALL AT THE MODESTO HIGH SCHOOL POOL

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

FROM: Wesson Ranch Neighborhood Park Fund \$5,000  
(140 310 G392 6000)

TO: Masonry Wall - Modesto High School Pool \$5,000  
(140 310 P869 6000)

The Modesto City School District is proposing to construct a block wall at the Modesto High School pool to curb the vandalism that occurs almost daily. They have asked the City to contribute one-third of the \$15,000 cost.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Lang

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-832

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ACHOR COURT WEST OF McHENRY AVENUE AT BLOCK 556 IN THE CITY OF MODESTO.

WHEREAS, the City Council has received and referred to the Planning Commission a request by adjacent property owners to vacate and abandon approximately the east 135 feet of Achor Court west of McHenry Avenue, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the street right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed street abandonment has been referred to affected City departments, local utility companies, and the California Department of Transportation, and the Fire Department requested that no-parking zones be installed along portions of Achor Court and its intersections with Adam Avenue, Lottie Avenue, and Magnolia Avenue, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon approximately the east 135 feet of Achor Court west of McHenry Avenue were posted in the area and said public hearing was held by the Planning Commission on July 17, 1989, and

WHEREAS, the Planning Commission by Resolution No. 89-96, adopted on July 17, 1989, found and determined as follows:

1. That the proposed abandonment of a portion of Achor Court is in conformance with all provisions of the Modesto General Plan.
2. That this portion of Achor Court is unnecessary for present or prospective public vehicular and pedestrian use.
3. That the abandonment of this portion of Achor Court will provide more area for future development of the adjacent commercial properties.

4. That the abandonment of this portion of Achor Court will prevent vehicle and pedestrian access to the residential neighborhood from McHenry Avenue.
5. That the abandonment of this portion of Achor Court is desirable to prevent a hazardous situation from through traffic from McHenry Avenue using this substandard-width street.
6. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated June 21, 1989 should be certified as adopted.

and

WHEREAS, the Planning Commission by said Resolution No. 89-96 recommended to the City Council that the vacation and abandonment of a portion of Achor Court west of McHenry Avenue at Block 556 be approved, subject to the following conditions:

1. That no-parking zones adequate to meet Fire Department needs shall be installed at or near the intersections of Magnolia Avenue, Lottie Avenue and Adam Avenue with Achor Court.
2. That the entire 37-foot street width of Achor Court be retained as a public utility easement to serve existing and future utility facilities located in the right-of-way.
3. That the applicants shall construct an eight-foot high decorative masonry wall at the west end of the abandonment.
4. That the recipients of the abandoned street shall construct a standard drive approach across the existing street opening at McHenry Avenue.
5. The applicants shall have improvement plans for the wall and the driveway approach prepared by a registered civil engineer and submitted for approval by the City Engineer. The wall and driveway approach shall be constructed in accordance with the approved plans.
6. That the applicants shall submit a landscaping and irrigation plan to be approved by the Parks and Recreation Director. Screen landscaping shall be installed on both sides of the wall in planters up to ten feet wide. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
7. That prior to vacation and abandonment of the street by the City Council, the recipients of the abandoned area shall post a security with the City in an amount to be determined by the City Engineer to guarantee construction of the required wall and driveway approach.

8. That prior to vacation and abandonment of the street by the City Council, the recipients of the abandoned area shall agree in writing to comply with all conditions of abandonment imposed by the City Council. Said agreement shall be in a form to be approved by the City Attorney. Said agreement shall also specify that the required improvements will be installed within 90 days following final abandonment action by the City Council.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon a portion of Achor Court west of McHenry Avenue at Block 556, subject to the conditions recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly shown on that certain map entitled "Vacate and Abandon A Por. Of Achor Court West Of McHenry Ave. At Blk. 556-LD89-C", dated June 29, 1989, which is on file in the office of the City Clerk, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2: The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of Division 9, Part 3, of the Streets and Highways Code of the State of California.

SECTION 3: Notice is hereby given that September 12, 1989 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 notices of the proposed vacation and abandonment of a portion of Achor Court west of McHenry Avenue at Block 556, to be posted conspicuously along approximately the east 135 feet of said Achor Court west of McHenry Avenue at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of the street proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton,  
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 John L. Clouston  
Public Works and Transportation  
Department, Engineering

LD 89-C  
Parcel 556-6

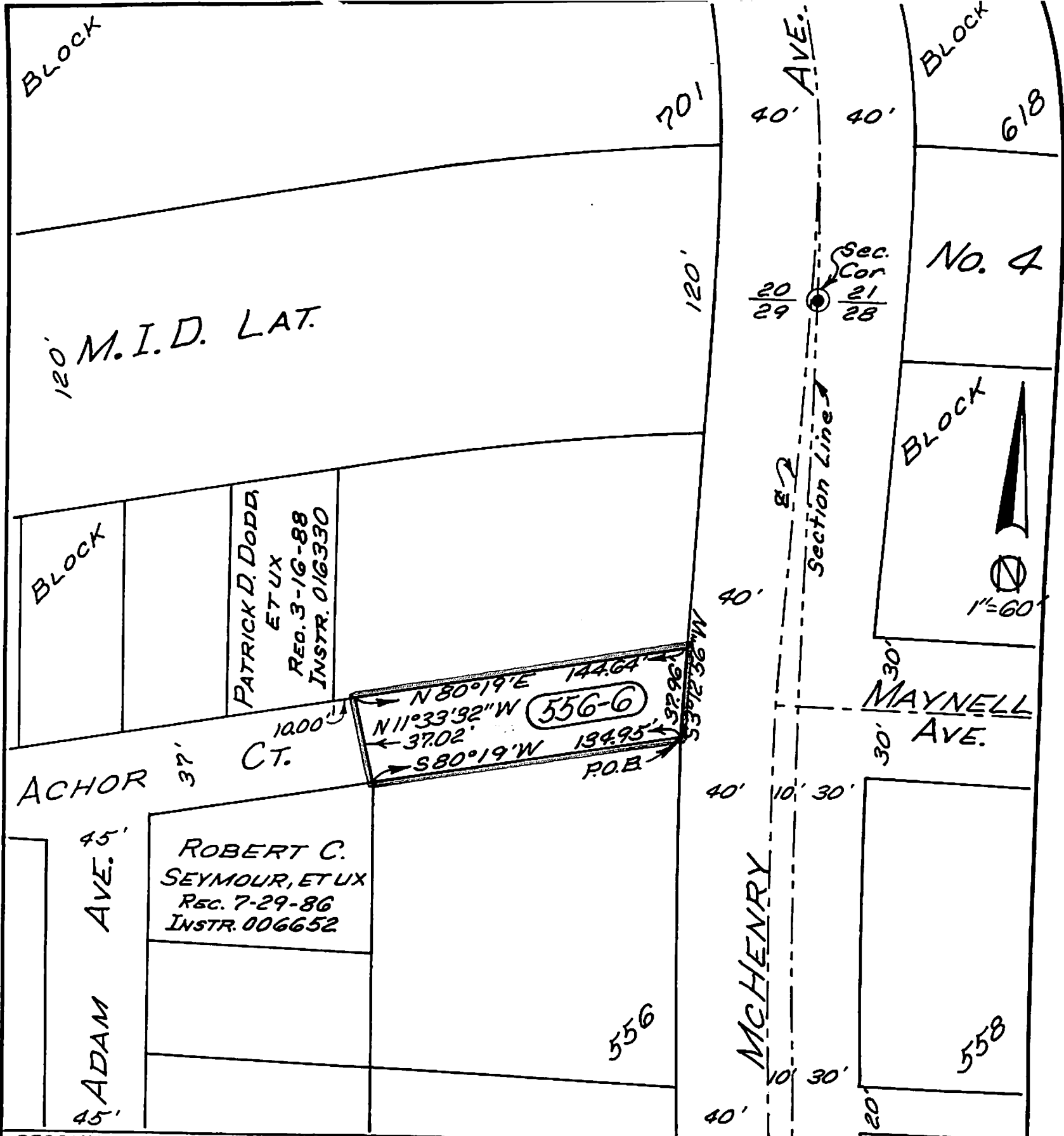
VACATE AND ABANDON A PORTION OF ACHOR COURT WEST OF McHENRY AVENUE AT BLOCK 556

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the Southeastern line of 37.00 foot Achor Court with the Western line of 80.00 foot McHenry Avenue; thence along said Southeastern line of Achor Court, South  $80^{\circ}19'$  West, 134.95 feet, to the Northeastern corner of property conveyed to Robert C. Seymour, et us, by deed recorded July 29, 1986, as Instrument 006652, Stanislaus County Records; thence North  $11^{\circ}33'32''$  West, 37.02 feet, to a point on the Northwesterly line of said 37.00 foot Achor Court, said point being North  $80^{\circ}19'$  East, 10.00 feet from the Southeastern corner of property conveyed to Patrick D. Dodd, et ux, by deed recorded March 16, 1988, as Instrument 016330, Stanislaus County Records; thence along said Northwesterly line of Achor Court, North  $80^{\circ}19''$  East, 144.64 feet, to its intersection with the Western line of McHenry Avenue; thence along the Southerly extension of the Western line of McHenry Avenue, South  $3^{\circ}12'56''$  West, 37.96 feet, to the point of beginning.

Reserving all of the above as a Public Utility Easement.

EXHIBIT "A"



RECOMMENDED BY:		DATE	BY
CITY OF MODESTO PUBLIC WORKS—TRANSPORTATION		FILED. 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 June 29, 1989	DRAWN J. Christiansen	CHECKED	
<p>VACATE AND ABANDON A POR. OF ANCHOR COURT WEST OF MCHENRY AVE. AT BLK. 556~LD89-C</p>			4-A-728

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-833

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PROPOSED AMENDMENT TO THE GENERAL PLAN MAP TO INCLUDE AN ELEMENTARY SCHOOL AND PARK SITE IN THE MERLE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 22, 1989, 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 proposed amendment to the General Plan Map to include an elementary school and park site in the Merle Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-834

A RESOLUTION FAVORING THE MAINTAINING AND IMPROVING OF OUR ENVIRONMENT

WHEREAS, the City of Modesto believes in both the importance of improved air quality and an economic climate that encourages business expansion and the attraction of new industry; and

WHEREAS, the City of Modesto does have concerns with the "new and modified stationary source review rules" which the California Air Resources Board is considering at the August 10, 1989 public hearing; and

WHEREAS, the City of Modesto feels the revision should become effective on the date it is adopted and not retroactively; and

WHEREAS, Stanislaus County does not appear to have the number of offsets as other areas possess; and

WHEREAS, the City of Modesto feels it is incumbent that the California Air Resources Board develop a program of offsets that is fair and consistent for the entire District.

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Modesto urges the California Air Resources Board to work closely with all affected areas for a strategy of improved air quality and the expansion and retention of employment-producing industry.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-835

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLAUDIA HAGEN, dba BALLOONS OVER THE VALLEY AIR FESTIVAL TO CONDUCT A HOT AIR BALLOON EVENT AT THE MODESTO AIRPORT ON SEPTEMBER 16 AND 17, 1989

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Claudia Hagen, dba Balloons Over the Valley Air Festival, to conduct a hot air balloon event at the Modesto Airport on September 16 and 17, 1989

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-836

A RESOLUTION REAPPOINTING ART MARTIN TO THE CITIZENS HOUSING AND COMMUNITY  
DEVELOPMENT COMMITTEE

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

SECTION 1. Art Martin is hereby reappointed to the Citizens Housing and Community Development Committee, term to expire September 30, 1993.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 8th day of August, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-837

A RESOLUTION REAPPOINTING JACK SCHMID AND BILL COVEY TO THE REHABILITATION  
LOAN POOL SUBCOMMITTEE

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

SECTION 1. Jack Schmid and Bill Covey are hereby reappointed to the  
Rehabilitation Loan Pool Subcommittee, terms to expire June 30, 1993.

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the reappointed members of the Rehabilitation 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 8th day of August, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-838

A RESOLUTION REAPPOINTING ART MARTIN TO THE ECONOMIC DEVELOPMENT LOAN POOL  
SUBCOMMITTEE

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

SECTION 1. Art Martin is hereby reappointed to the Economic Development Loan Pool Subcommittee, term to expire September 30, 1993.

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 8th day of August, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-839

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION (FRANK LOPEZ)

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

SECTION 1. The following person is hereby appointed to the Affirmative  
Action Commission for the respective term as indicated:

Frank Lopez  
436 Hubert Drive  
Modesto, Ca. 95354  
Term to expire 12/31/90

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 8th day of August , 1989 ,  
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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-840

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING  
(GEORGE SURFACE)

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

SECTION 1. The following person is hereby appointed to the Citizens  
Advisory Committee on Recycling

George Surface  
3800 Beyerwood Court  
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 Advisory  
Committee on Recycling and the Secretary thereof.

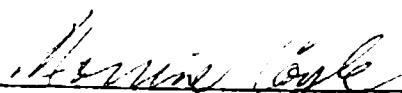
The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 8th day of August, 1989, by  
Councilmember Muratore, who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry , was upon roll call carried and the  
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-841

A RESOLUTION APPOINTING MEMBERS OF THE FIRE DEPARTMENT MASTER PLAN CITIZENS  
ADVISORY COMMITTEE

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

SECTION 1. The following persons are hereby appointed to the Fire  
Department Master Plan Citizens Advisory Committee:

Terri Amerio-Bell  
Nicholas S. Bavaro  
Randy Clark  
Ron Earl  
Mitchell Setrok Gagos  
Janice A. Gray  
John A. Grover  
Douglas E. Petrick  
Michael R. Pratt  
Stacey Hicks Pray  
John "Allen" Woods

SECTION 2. The City Clerk is hereby directed to transmit a copy of  
this resolution to the newly appointed members of the Fire Department Master  
Plan Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 8th day of August, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-842

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (JERRY D. REESE, 1501 MONTEREY AVENUE-\$1,720.00)

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, 19    , 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, August 15, 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 \$1,720.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,720.00, 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:

The West 102 feet of Lot 14 of Bl. 2108 of Sierra Subdivision No. 2 as per map filed July 14, 1936 in Vol. 11 of Maps, Pg. 31, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 035-4438)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-843

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE RESIDENTIAL ALLEY PAVING PROJECT NO. 15

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. 15

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 7, 1989, 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 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-844

A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS AT OAKDALE ROAD AND MERLE AVENUE  
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the traffic signals at Oakdale Road and Merle Avenue

has been completed by Collins Electrical Company  
in accordance with the contract agreement dated December 20, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the traffic signals at Oakdale  
Road and Merle Avenue

be accepted from said contractor, Collins Electrical Company ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$66,339 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 August,  
1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-845

A RESOLUTION APPROVING A COMPREHENSIVE 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.

WHEREAS, the Council of the City of Modesto by Resolution No. 88-491 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", 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 August 15, 1989, the Council considered the proposed Memorandum of Understanding, combining all negotiated provisions into a single comprehensive document, between the City of Modesto and the Modesto City Employees Association, which proposed Memorandum of Understanding contained no new provisions or changes to agreements which have previously been negotiated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached comprehensive 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, compiling previous agreements, Personnel Rules and Personnel Administrative Orders, commencing on July 1, 1988, and ending on June 30, 1991, including the attached salary

ranges and schedules, shown as Exhibits "A" and "B", for employees represented by the Modesto City Employees Association, 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.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 88-491.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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

MEMORANDUM OF UNDERSTANDING

between the

CITY OF MODESTO

and the

MODESTO CITY EMPLOYEES ASSOCIATION

Fiscal Years 1988-89 through 1990-91

## TABLE OF CONTENTS

I.	Term of Memorandum . . . . .	1
II.	Representation . . . . .	1
III.	Compensation . . . . .	3
IV.	Uniform Allowances . . . . .	3
V.	Overtime, Compensatory Time, Call-Back, Stand-By . . . . .	5
VI.	Scheduling . . . . .	5
VII.	Performance Evaluation . . . . .	6
VIII.	Dress and Grooming . . . . .	7
IX.	Health, Dental, Vision Insurance. . . . .	8
X.	Long Term Disability Insurance . . . . .	8
XI.	Life Insurance . . . . .	8
XII.	Probation . . . . .	9
XIII.	Grievances . . . . .	10
XIV.	Disciplinary Actions . . . . .	11
XV.	Layoff and Demotion Procedures Upon Reduction in Force . . . . .	14
XVI.	Holidays . . . . .	14
XVII.	Vacation . . . . .	15
XVIII.	Sick Leave . . . . .	16
XIX.	Maternity Leave . . . . .	17
XX.	Bereavement Leave . . . . .	17
XXI.	Jury Duty . . . . .	17
XXII.	Leaves Without Pay . . . . .	17
XXIII.	Retirement . . . . .	18
XXIV.	Modified Duty . . . . .	18
XXV.	Job Sharing . . . . .	19
XXVI.	Vehicle and Equipment Mechanic Tools . . . . .	19
XXVII.	Safety Minutes . . . . .	19
XXVIII.	Licenses, Certificates . . . . .	19
XXIX.	Credit Union Deductions . . . . .	20
XXX.	Commuter Bus Passes . . . . .	20
XXXI.	Employee Parking . . . . .	20
XXXII.	Outside Employment . . . . .	20
XXXIII.	Non Discrimination . . . . .	21
XXXIV.	Job Actions . . . . .	21
XXXV.	Management Rights . . . . .	21
XXXVI.	Applicable Law . . . . .	21
XXXVII.	Approval . . . . .	22

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this 1st day of July, 1988, by and between the management representatives of the City of Modesto (CITY) and the representatives of the Modesto City Employees Association (MCEA) after meeting and conferring in good faith.

### I. Term of Memorandum

- A. This Memorandum covers the fiscal years 1988-89, 1989-90 and 1990-91, commencing on July 1, 1988 and ending on June 30, 1991, and covers all matters which MCEA has the right to meet and confer with CITY during said fiscal years.

### II. Representation

- A. This Memorandum covers the employees in the position classifications of CITY which MCEA is certified as representing, and MCEA is the formally recognized employee organization which has the exclusive right to represent said employees during the term of this Memorandum.

### III. Compensation

- A. Effective July 5, 1988, the Class Range Table and Schedule of Salary Ranges, which are a part of this Memorandum and are attached as Exhibits A and B, shall be implemented. These range placements and salaries are the combined result of a comparable city salary survey and a 4.0% cost-of-living increase. The step at which MCEA's members are placed in the new salary range will be that which gives the first increase over current salary after implementation of the salary survey but prior to the cost-of-living increase. The step changes incurred as a result of this procedure shall not effect the status of employees who require a "standard" rating under the performance evaluation system to maintain a step or receive a step increase.
- B. Effective July 1, 1989, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B shall be adjusted based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, computed to the nearest tenth of one percent, for the twelve months beginning April 1, 1988 and ending March 31, 1989, provided said adjustment shall be no greater than five and one-half (5.5) percent.

- C. Effective July 1, 1990, or the beginning of the pay period closest thereto, the salaries shown on Exhibit B, as previously adjusted in 1989, shall be adjusted based upon the U.S. Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers, rounded to the nearest tenth of one percent, for the twelve months beginning April 1, 1989 and ending March 31, 1990, provided said adjustment shall be no greater than five and one-half (5.5) percent.
- D. Full time employees regularly assigned to the positions described below shall receive an additional five (5) percent in compensation.
1. Custodian on the swing, graveyard or weekend shifts.
  2. Motor Sweeper Operator on graveyard shift.
  3. Maintenance Worker I or II on graveyard shift assigned to water street trees or assigned to a hand sweeper.
  4. Police Clerk or Senior Police Clerk on the swing or graveyard shifts.
- E. A minimum of four (4) full time Police Clerks shall be designated as Senior Police Clerk. Assignment to and service as a Senior Police Clerk shall be at the sole discretion of the Police Chief. Those employees so assigned, shall receive an additional ten (10) percent in compensation above that of a Police Clerk on day shift.
- F. An employee temporarily assigned to a higher classified position by a Personnel Action Form for more than one hundred and twenty (120) hours of consecutively regularly scheduled work hours, shall receive an additional five (5) percent compensation for each hour worked.
- G. Each salary range shall consist of five (5) steps, A through E. Progression through the steps shall be based upon both length of service and job performance.
1. Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the department head and City Manager. In cases of exceptional performance, employees hired at higher than Step A, may be considered for their first step increase after thirteen (13) pay periods.
  2. Step B shall be paid upon completion of 13 pay periods with an overall "standard" performance evaluation.
  3. Step C shall be paid upon completion of 26 pay periods with an overall "standard" evaluation.
  4. Steps D and E shall be granted and maintained upon completion of 26 pay periods with an overall "exceeds standard" evaluation.

5. Employees who were at step D or E of their salary range on July 1, 1985 or July 1, 1986 respectively, need only achieve a "standard" evaluation in order to maintain the D or E step.
6. Merit step increases may be granted in addition to those above, upon approval of the City Manager.
7. The City shall contribute one (1) percent of an employee's salary into a deferred compensation account in the employee's name. Effective July 1, 1989, or the pay period closest thereto, for employees who have been continuously employed by the City for fifteen (15) or more years, the City shall contribute two (2) percent into this account.
8. When a step increase is denied, there shall be another performance evaluation of the employee in thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.
9. Due to inferior work, lack of application, indifferent attitude or other legitimate reasons, an employee's step may be reduced to a lower step. There is no right of appeal due to the lowering of steps, but the reasons for withholding shall be given in writing to the employee.
10. All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

#### IV. Uniform Allowances

- A. Community Service Officers shall receive a uniform allowance of forty (\$40.00) dollars 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 (\$60) dollars for uniforms on or about thirty (30) days after hiring, and commencing with their eight month of employment shall receive a uniform allowance of fifteen (\$15.00) dollars per month.

#### V. Overtime, Compensatory Time, Call-Back, Stand-By

- A. Employees shall not work outside their normal work hours without the express direction of their supervisor or department head.

- B. All overtime worked must be reported by the employee to the supervisor the day or shift following the day or shift in which the overtime was worked.
- C. Overtime for permanent part-time employees shall not begin until after eight (8) hours have been worked in the work day.
- D. Overtime shall be compensated at time and one-half. The equivalent of time worked shall be recorded as compensatory time off and the equivalent of one-half of the time worked shall be recorded for payment. All overtime shall be recorded to the nearest one-tenth (1/10) of an hour.
- E. Compensatory time-off may be taken with the mutual consent of the employee and the employee's supervisor or department head, taking into account the needs of the employee and the workload of the department.
- F. Employees shall annually select whether to be paid quarterly for all accrued compensatory time or all accrued time less forty (40) hours.
- G. Employees should have regular working hours when feasible, and work schedules should not be altered on a regular basis to avoid paying for overtime. Daily work schedules may be adjusted by mutual consent of the employee and supervisor or department head (wash time). Wash time provides time off in return for time worked within the same Tuesday through Monday work period in order to reduce overtime compensation.
- H. All employees have an obligation to perform call back duty for emergency, exceptional or unusual conditions. Unless on stand-by duty, call back duty shall be paid at time and one-half and is subject to the same provisions as regular overtime. A minimum of two (2) hours at straight time shall be paid for call-backs of less than eighty (80) minutes.

Community Service Officers shall be paid a minimum of three (3) hours at straight time for call backs of less than two (2) hours. Beginning July 1, 1990, or the pay period closest thereto, Community Service Officers shall be paid a minimum of three (3) hours at time and one-half.

- I. Community Service Officers shall be required to perform stand-by duty when subpoenaed for court appearances. Stand-by duty shall be paid one hour at straight time for each day on stand-by (whether or not a court appearance was required).
- J. For all designated employees in the Parks and Recreation and Public Works Departments, the City shall have the right to require stand-by duty during off-duty hours, holidays, nights or regular days off for emergency, exceptional or unusual conditions. Employees who live more than eight (8) miles from the Corporation Yard shall not be entitled to, but may be required to, perform stand-by duty. Response time to the scene of any emergency call for service shall not exceed thirty (30) minutes.

Stand-by duty shall be paid at one hour at straight time, two hours at straight time if the stand-by day is a regular day off or a holiday. Starting with the fourth consecutive seven (7) days of stand-by duty to which an employee is assigned, an additional two (2) hours of compensatory time shall be earned for each regular day off or holiday on stand-by.

For actual work performed while on stand-by duty, employees shall also be paid for regular overtime, except that for periods of less than forty (40) minutes, one hour at straight time shall be paid.

- K. Stand-by duty for Electricians shall be arranged, insofar as reasonably possible, to provide that employees shall not be assigned to stand-by duty on more than two holidays per year.
- L. Employees who are required to work on a holiday (except for Community Service Officers, Animal Control Officers, Police Clerks and Senior Police Clerks) shall be paid time and one-half for each hour worked.
- M. All other administrative policies and procedures regarding overtime, call-back or stand-by duty shall be as contained in the Personnel Rules and Personnel Administrative Orders.

#### VI. Scheduling

- A. The City may assign employees to regular work schedules other than the traditional five day, eight hour, Monday through Friday schedule. Prior to any such changes, the City shall notify the affected employees and MCEA at least two (2) weeks prior to the change. Upon request, the City will meet and consult with the affected employees and MCEA.
- B. Police Clerks and Senior Police Clerks working on a six (6) days on- three (3) off schedule, shall be assigned to work a sufficient number of additional days and/or be credited with holidays to normally equal a total of two hundred sixty (260) work days per calendar year or a pro rata number thereof.

#### VII. Performance Evaluation

- A. The City shall establish a performance evaluation system that is based on performance standards. The standards shall be established by the City after consultation with employees.
- B. The specific procedures of the performance evaluation system shall be as contained in the Personnel Rules and Personnel Administrative Orders.

- C. There shall be a Performance Evaluation Review Committee, composed of City and MCEA representatives, which shall meet as needed to review the performance evaluation system.

#### VIII. Dress and Grooming

- A. All employees shall be clean and neat in appearance while working, and be able to wear all safety equipment in an effective manner. If a disagreement arises in this regard, a five person ad hoc committee shall be formed. The chair-person shall be appointed by the City and be a management employee from another division or department. The City shall appoint one, and the MCEA two, non-management/confidential employees from another division or department who perform similar work. The fifth member shall be a non-management/confidential employee selected by the other members of the committee. The determination of the committee, by majority vote, including any recommended disciplinary action, shall be binding on all parties.
- B. Employees in the following classifications in the Parks and Recreation Department and the Public Works Department, shall wear uniform shirts and caps provided by the City; Maintenance Worker I and II, Parks Crew Leader, Maintenance Mechanic-Parks, Equipment Operator, Street Tree Crew Leader, Tree Trimmer, Tree Trimmer Crew Leader, Nursery Propagator, Maintenance Mechanic- Pumps, Equipment Crew Leader, Parking Meter Worker, Parking and Traffic Crew Leader, Public Works Lineworker, Meter Reader/Repair Worker, Electrical Technician I and II, Assistant Electrician, Electrician, Civil Engineering Technician II and III (survey crew), Construction Inspector.
- C. Employees in the classes above shall wear the uniform shirts, except when summer temperatures and working conditions justify removal, in which case the employees shall wear white or solid colored T-shirts furnished by the employee which contain no pictures, words or graphics. When wearing such a tee-shirt, the employee shall also either have an approved patch fixed to the T-shirt in a place chosen by the City or shall wear the caps or safety gear provided by the City. Patches shall be supplied to the employees by the City at cost.
- D. The only approved headgear for wearing on the job are the City provided safety headgear and the City supplied cap.
- E. The City shall make available in the mower maintenance area of the Parks and Recreation Department coveralls for use by employees while servicing mowers.
- F. The City shall provide a clean coverall each work day for those employees requiring coveralls in the City's equipment maintenance shop and Wastewater Treatment Plant.

- G. Employees in the Police Department in the classes of Police Clerk, Senior Police Clerk, Police Administrative Technician, and Administrative Clerk, shall acquire and wear during all working hours a uniform as specified by the Police Chief. These employees shall begin wearing the uniform no later than sixty (60) days after their date of hire.

IX. Health, Dental, Vision Insurance

- A. The City shall make available to all employees and dependents a Basic and Major Medical Health Insurance Plan. In lieu of this plan, employees may opt for another City approved plan.
- B. The City shall provide all employees and dependents with a Dental Insurance Plan.
- C. The City shall provide all employees with a Vision Insurance Plan.
- D. There shall be a ninety (90) day waiting period for new employees before they become eligible for health, dental or vision insurance benefits.
- E. The City shall contribute the following amounts bi-weekly for the health, dental and vision insurance plans:
  - 1. \$103.14 for employees with dependent coverage.
  - 2. \$ 38.38 for employees without dependent coverage.
- F. Employees selecting an optional City approved plan, shall receive the same premium contribution as for the City plan in E above. Any additional cost for the optional plan shall be borne by the employee.
- G. For employees without dependent coverage, the City shall make a contribution to the deferred compensation account, with the amount varying by health plan. Current contributions are:

City self-funded plan	\$52.41 biweekly
Takecare	34.37 biweekly
National Medical	35.04 biweekly
- H. There shall be a deductible on the City plan of \$120 per person, up to a maximum of \$360 per family.
- I. Employees on medical leave without pay who return to work shall have their health, dental and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

- J. As soon as possible after July 1, 1988, the City shall commission an independent study of its health care program and insurances. The study shall at a minimum include analysis of retiree benefits, employee assistance programs, medical leaves of absence without pay, PERS insurance, program administration and cost-effectiveness.

A committee, which shall include representatives of the City, and MCEA, shall be formed to advise the City in selection of the consultant and review the study as it progresses.

Prior to the beginning of fiscal year 1989-90, the City and MCEA will meet and confer on what changes, if any, shall be made in the health care program and related insurances, including but not limited to those items listed above, applicable to employees covered by this Memorandum during fiscal years 1989-90 and 1990-91.

#### X. Long Term Disability Insurance

- A. The City shall provide all employees with long term disability insurance. The purpose is to provide employees with an LTD benefit while the employee is totally disabled equal to 66 2/3% of earnings, reduced by any income received from other sources. The plan provides for a 60 day waiting period, but if the disability last longer than 90 days, the disability payments will be retroactive to the 31st day.

#### XI. Life Insurance

- A. The City shall provide all employees with term life insurance coverage in the amount of \$2,000. Employees shall have the option to buy additional coverage at their own expense.

#### XII. Probation

- A. All appointments to positions in the classified service shall be for a probationary period of six (6) months, unless a longer period is specified in the Personnel Administrative Orders. During the probationary period, the employee shall be evaluated on conduct, performance, attitude, adaptability and job knowledge. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished the probationer.
- B. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

### **XIII. Grievances**

- A. The purpose of this Section is to establish a grievance procedure on wages, salaries, hours and working conditions for which appeal is not provided by other regulations. The procedure is a systematic means of obtaining further consideration of a problem after every reasonable effort to resolve it through discussion has failed.

Grievances should be settled as near as possible to their source and in as informal a setting as possible.

- B. An employee should first attempt to resolve a grievance through discussion with the supervisor without delay. If the employee is not satisfied with such discussion, then the employee has the right to talk with the supervisor's supervisor. If the employee does not agree with the decision reached through such discussion, within ten (10) days a formal written grievance may be filed. Informal grievances shall not be taken above the department or division head.
- C. Formal written grievances shall be presented to the department head. The department head shall review the grievance with the employee. Employees have the right to be represented at any such reviews. The department head shall send a written decision to the employee within fifteen (15) days of receipt of the grievance. If the employee does not agree with the decision, or if no answer is received within fifteen (15) calendar days, the employee may present the grievance to the City Manager in writing. Failure of the employee to take further action within ten (10) calendar days of receipt of the decision, or within twenty-five (25) calendar days if no decision is rendered, shall be deemed withdrawal of the grievance.

The City Manager, or designated representative, shall review the grievance with the employee, the employee's representative, if any, and with all other appropriate persons. The City Manager may also appoint a fact-finding committee or other employee not in the normal line of supervision to give advice on the grievance. The City Manager shall render a decision to the employee in writing within twenty (20) calendar days after receiving the grievance. The decision of the City Manager shall be final.

- D. The time limits specified above may be extended to definite dates by mutual consent of the parties.
- E. An employee may request assistance from another person of their choosing in preparing for and presenting a grievance at any level of review. Preparation of grievances shall not be done on City time or in City facilities.
- F. Employees shall be assured freedom from reprisal for using the grievance procedure.

#### XIV. Disciplinary Actions

- A. The following shall constitute cause for disciplinary action, including dismissal, demotion, suspension and disciplinary probation.
1. Violation of the City Charter.
  2. Violation of the Modesto Municipal Code.
  3. Violation of the Personnel Rules or Personnel Administrative orders.
  4. Fraud in securing employment.
  5. Incompetency.
  6. Inefficiency.
  7. Inexcusable neglect of duty,
  8. Insubordination.
  9. Dishonesty.
  10. Being under the influence of alcohol or controlled substances while on duty.
  11. Inexcusable absence without leave.
  12. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
  13. Discourteous treatment of the public or other employees.
  14. Misuse of City property.
  15. Violation of any established departmental rule, regulation, policy and/or manual.
  16. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the City.
  17. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a City employee.

- B. The City shall have the right to demote an employee whose ability to perform required duties falls below an acceptable standard, or for disciplinary purposes. Upon request of an employee, and approval by the City, demotion may be made to a vacant position as a substitution for lay-off.
- C. The City shall have the right to suspend an employee without pay at any time for cause. Suspension without pay shall not exceed ninety (90) days in any fiscal year.
- D. The City shall have the right to dismiss an employee at any time. A regular employee in the classified service shall be entitled to receive a written statement of the reasons for dismissal.
- E. The City shall have the right to place an employee on disciplinary probation for a specified period not to exceed one (1) year. Employees placed on disciplinary probation may be dismissed for failure to meet any requirement imposed as a condition to such status.
- F. Employees shall have the right to appeal any dismissal, suspension, demotion or disciplinary probation in accordance with the provisions of the Modesto Municipal Code. Hearing on an appeal shall be before a hearing officer selected by the Board of Personnel Appeals. Failure of the employee to appear at the hearing shall be deemed a withdrawal of the appeal and the discipline being appealed shall stand and be final. The hearing officer shall submit recommendations to the City Manager at the conclusion of the hearing. The City Manager shall determine the matter by adopting the findings and recommendations of the hearing officer in their entirety, modifying the findings and/or recommendations, or rejecting the findings and recommendations in their entirety.
- G. The cost of the hearing officer and shorthand reporter for a hearing under paragraph F above, shall be equally divided between the City and the employee, unless the action being appealed is modified by either the hearing officer or the City, in which case no payment shall be required of the employee.
- H. Specific appeal and hearing procedures and policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

**XV. Layoff and Demotion Procedures Upon Reduction in Force**

- A. When it becomes necessary through lack of work, lack of funds, or for other reasons to reduce the number of employees, the City shall prepare a lay-off list by classification within a department. Within each job class, employees shall be laid off in the following order: temporary, provisional, probationary, regular. The order of layoff shall then be based on the City's needs, with particular regard for length of service with the City and performance evaluation reports.

- B. Whenever there is a reduction in work force, the City shall first demote to a vacancy, if any, in the next lower class for which the employee who is scheduled for layoff meets the minimum employment standards. Employees with the least continuous service and lowest performance evaluations shall be demoted first. All persons so demoted shall have their names placed on the classification reinstatement eligible list.
- C. If there are no vacant positions in a lower class available, the City shall allow bumping from a higher to a lower classification within a department. An employee may bump into the next lowest class for which the minimum employment standards are met.
- D. If there are no vacant positions or bumping possibilities, the City shall lay off employees within a department and classification. Employees with the least continuous service and lowest performance evaluations shall be laid off first. All persons laid off shall have their names placed on the classification reinstatement eligible list.
- E. To determine the length of continuous service, all uninterrupted employment, including periods of authorized leaves of absence which require a retirement contribution, and including all periods as a full-time CETA employee, shall be counted.
- F. To determine the level of performance evaluation, the latest two evaluations shall be used. Ratings of "under standard" shall be ranked lowest, ratings of "standard" shall be ranked second, and ratings of "exceeds standard" shall be ranked highest.
- G. An employee scheduled for demotion or layoff shall be given a minimum of fourteen (14) calendar days notice in writing. The notice shall state the effective date and time of demotion or layoff.
- H. Names shall be placed on classification reinstatement eligible lists in the order of continuous City service. Vacant positions within a classification shall first be offered to those on the reinstatement list who meet the minimum employment standards for the vacant position. The eligibility of individuals on the reinstatement list shall be for a period of two (2) years from the date of demotion or layoff. Eligibles not responding to written notification of an opening within fourteen (14) calendar days shall have their names removed from the list.

- I. A reinstated employee shall be entitled to the following benefits.
  1. Prior sick leave accrual (unless sick leave was cashed-out in accordance with the applicable rules).
  2. Seniority at time of layoff or demotion for purposes of determining merit increases, vacation accruals and future reductions in the work force.
  3. A salary as nearly as possible equivalent to that which the employee was receiving immediately prior to layoff or demotion. If the employee chooses to be reinstated in a class at a lower salary range than that held previously, the salary will be either equivalent to the salary immediately prior to layoff or demotion or as close as the to equivalent as the new salary range allows.
- J. A person appointed from a reinstatement eligible list within six (6) months to the same position held prior to layoff or demotion, will obtain permanent status upon reinstatement. All other persons appointed from a reinstatement list shall serve a new probationary period.
- K. Employees laid off shall be paid for all accrued vacation, holidays and overtime. Accrued sick leave shall either be paid as provided for by the applicable rules, or may remain on the books in event of reinstatement. If reinstatement does not occur within two (2) years, sick leave shall be paid in accordance with the applicable rules at the employee's hourly rate of pay at the time of layoff.
- L. If an employee has less than five (5) years of service applicable to retirement, the employee's retirement contributions shall be paid to the employee. If more than five (5) years, the employee may elect to either withdraw their share of the retirement contribution or leave the money in the retirement system. Prior to reinstatement, though, if retirement funds have been withdrawn, they must either be redeposited in total or appropriate arrangements must be made satisfactory to PERS for redepositing those funds.
- M. Layoffs and demotions shall be made without regard to race, color, national origin, religion, sex, age, citizenship, or physical handicap.
- N. Whenever any provision of this section conflicts with any other section of this MOU or any Personnel Rules or Personnel Administrative Orders, the provisions of this section shall prevail.

XVI. Holidays

A. The following days shall be paid holidays.

1. New Years Day.
2. Dr. Martin Luther King Jr. Day.
3. President's Day.
4. Memorial Day.
5. Independence Day.
6. Labor Day.
7. Admission Day.
8. Veteran's Day.
9. Thanksgiving Day.
10. Day after Thanksgiving.
11. Christmas Day.

XVII. Vacation

A. Vacation leave shall be earned based on the following schedule.

<u>Years of Continuous Service after Hire</u>	<u>Work Days Earned Annually</u>	<u>Work Hours Earned Annually</u>
During 1 - 5	10	80
6	15	120
7	16	128
8	17	136
9	18	144
10	19	152
11 - 20	20	160
21 or more	25	200

- B. Vacation time shall be accrued from the date of employment, however no time shall be considered earned until after one year of continuous service. Employees who leave with less than one year of service will not be eligible for vacation leave.
- C. During the first two (2) years of employment, employees may use only the amount of vacation time accrued at the time vacation begins. In subsequent years, annual vacation time may be credited in advance although all of the time may not be earned at the time the vacation starts. In the event an employee leaving City service has taken vacation leave prior to the time all of the leave is earned, the employee shall reimburse the City for time used but not earned.
- D. After one (1) year of service, employees are expected to take vacation leave to which they are entitled. Accumulation of vacation leave shall not exceed twice the employee's annual allowance except as approved by the City Manager for exceptional or extraordinary conditions.

- E. Vacations shall be scheduled with both due regard for the employee's wishes and the needs of the City.
- F. Employees in the Parks and Golf Courses divisions of the Parks and Recreation Department, may not take vacation leave from June 1 through September 30, if hired on or after July 1, 1982. If hired prior to July 1, 1982, vacation leave during this time period may only be taken if permitted by the staffing requirements of the department.
- G. When an emergency arises and an employee contacts the supervisor not later than the start of the employee's work day, the employee may request use of unscheduled vacation leave or compensatory time off. Approval for either type of leave in an emergency shall be at the discretion of the supervisor.
- H. When an emergency arises and an employee contacts the supervisor not later than the start of the employee's work day, an employee may request use of vacation or compensatory time off. Approval shall be at the discretion of the supervisor. If such a request is denied, the supervisor shall forward the reasons in writing to the department head.
- I. Employees leaving City service after one year of continuous service shall be paid for unused vacation leave.
- J. Employees leaving City service after one year of continuous service shall not be scheduled for vacation leave directly preceding their termination.

#### XVIII. Sick Leave

- A. After completion of six (6) full pay periods, an employee may use sick leave.
- B. Sick leave shall be accrued at the rate of 3.7 hours per pay period starting with the first full pay period following appointment.
- C. Employees hired on or before June 30, 1982 may accumulate up to two thousand (2,000) hours of sick leave. Those hired after June 30, 1982, may accumulate one thousand (1,000) hours.
- D. Sick leave shall not accrue when an employee is absent on any leave other than vacation leave, bereavement leave, jury duty or temporary military leave.
- E. In order to qualify for sick leave, an employee must be unfit for their work as a result of illness or injury. Sick leave shall not be used for an injury or illness arising out of or incurred in connection with outside employment.

- F. In order to receive sick leave, an employee must notify the supervisor or Personnel Office not later than the start of the employee's work day.
- G. Employees may use sick leave for occasional dental, pregnancy, or medical appointments for themselves, when it is not reasonably feasible to do so during off duty time.
- H. Employees may use up to three (3) days of sick leave per year to care for members of the family (mother, father, husband, wife, brother, sister, child or as determined by the department head) who are ill. Sick leave beyond this point, though, may not be used to stay home with an ill member of the family, except in the case of critical illness.
- I. Employees leaving City employment shall forfeit all unused sick leave except as follows.
  - 1. Employees who retire through the Public Employees' Retirement System, or who leave City employment in good standing after five (5) years of continuous service, shall be paid at time of retirement or termination for twenty-five (25) percent of unused sick leave.
  - 2. In addition to (1) above, employees who retire after five (5) years of service in good standing, may, on a one time basis, elect to have sixty (60) percent of unused sick leave applied by the City, after retirement, to premiums for health insurance plans approved by the City.
- J. City may exercise its right to reopen negotiations to revise the sick leave plan if the Internal Revenue Service determines that sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.

#### **XIX. Maternity Leave**

- A. Pregnant employees shall furnish the department head, no later than the fourth month of pregnancy, a statement of the attending physician indicating the estimated delivery date. A pregnant employee is entitled to maternity leave of up to four (4) months, the dates of which are to be mutually agreed by the employee and department head, provided that the employee is required to take maternity leave two weeks prior to the estimated delivery date and continuing for two (2) weeks following delivery, unless the physician submits written approval for the employee to work during these periods. An employee may elect to take accrued vacation, compensating time off or sick leave during maternity leave. Reinstatement after such leave shall be to the same classification held prior to the leave.

XX. Bereavement Leave

- A. An employee may be granted up to three (3) days bereavement leave by the department head in cases of death in the "immediate family" (mother, father, husband, wife, brother, sister, child or as determined by the department head). In cases of necessity, two additional days of leave may be granted by the department head, to be charged against accumulated sick leave. Under extraordinary circumstances, additional time may be granted by the City Manager.

XXI. Jury Duty

- A. An employee summoned for jury duty shall inform the supervisor and, if required to serve, may be absent from work with full pay. Except for travel expenses and meal costs if required to travel outside of Modesto, all jury duty pay shall be remitted to the City for service on a work day. An employee shall report back to work when not selected or held as a juror.

XXII. Leaves Without Pay

- A. Upon written request, the City Manager may grant an employee a leave of absence without pay for a definite period not to exceed one (1) year. Normally, a leave of absence will not be granted to employees who have not completed a probationary period. Upon return from leave, the employee shall be reinstated in the position held at the start of the leave, or to another position in the same class. Failure to return promptly at the end of the leave, or within a reasonable period after notice to return to duty, shall be cause for dismissal.
- B. An authorized absence without pay may be granted by the department head when an employee has exhausted all accumulated sick leave, compensatory time off, vacation or holiday time.
- C. When an employee is absent without prior authorization and the absence is not due to illness or injury, the time absent shall be considered an unauthorized absence. During an unauthorized absence an employee is without pay and may lose related benefits.

XXIII. Retirement

- A. The City shall pay the seven (7) percent employee contribution in the employee's name to the Public Employees' Retirement System.

- B. Effective July 1, 1989, or the pay period closest thereto, employees shall have a one-time option of contributing the seven (7) percent employee contribution to the Public Employees' Retirement System for up to one year (if hired on or before October 19, 1981) or up to three (3) years (if hired on or after October 20, 1981).
- C. Specific procedures and policies governing the above shall be as in the Personnel Rules and Personnel Administrative Orders.

#### XXIV. Modified Duty

- A. The City shall have a modified duty program, the objective of which is to provide productive, temporary job opportunities for injured or ill employees, whose labor can be performed within medical limitations.

A modified duty assignment shall be made when there is meaningful work to be performed, the work can be performed in a manner that is cost effective, and the work can be performed with the medical limitations identified by the treating or examining physician.

Modified duty assignments are only temporary and the initial and any subsequent assignments shall be for a maximum period of twenty-five (25) working days each. At the end of each such period, the assignment shall be reviewed to determine appropriate steps. Assignments will be discontinued when the employee is discharged by the treating and examining physician to return to regular full duty.

Specific procedures for modified duty assignments shall be as contained in the Personnel Rules and Personnel Administrative Orders.

#### XXV. Job Sharing

- A. An employee may request that a position be divided into two half-time positions for the purpose of job sharing. In the case of a vacant full time position, the City shall have the right to create two (2) half-time positions. The City shall also have the right to recombine two (2) half-time positions.
- B. Specific policies and procedures governing job sharing or the recombining of half-time positions, shall be as contained in the Personnel Rules and Personnel Administrative Orders.

## XXVI. Vehicle and Equipment Mechanic Tools

- A. Employees in the positions of Coach Mechanic, Coach Mechanic Crewleader, Equipment Mechanic, Equipment Mechanic Crewleader, Equipment Service Worker and Fire Equipment Mechanic shall furnish, as needed, all regular tools for their own use.

The City will replace or repair an employee's tools which are broken or worn out while being used on City equipment, if the tools are not covered by a manufacturer's, supplier's or dealer's guaranty or warranty.

The City will provide all specialized tools that are required to work on new equipment acquired by the City. Such specialized tools will remain the property of the City.

Employees required to provide tools shall be allowed to order the required tools once a year through a City purchase order. The City shall determine the process and time for such purchases and the employee shall pay the cost of the purchase at the time of placing the order with a cashier's check or a money order.

## XXVII. Safety Minutes

- A. Departmental supervisors, lead workers or other personnel within a division of a department responsible for conducting safety meetings shall arrange for meeting minutes to be prepared and posted in a location visible and accessible to participating employees. No single failure to either prepare or post minutes shall be considered a breach of this requirement.

## XXVIII. Licenses, Certificates

- A. Whenever an employee is required to obtain a certificate or license in order to carry out the duties assigned, and the requirement is not a minimum qualification for the job class, the City will pay for the costs of obtaining and renewing the certificate or license and the time required to obtain or renew it shall be considered as regular duty time.

## XXIX. Credit Union Deductions

- A. The City shall provide for employee payroll deductions for I.U.O.E. 3 Credit Union obligations.

**XXXIV. Job Actions**

- A. MCEA agrees and acknowledges that strikes, sick-ins, slow-downs or other forms or work stoppage or disturbances are detrimental to the responsibility of MCEA and its members to insure that high quality service is provided to the people of the City of Modesto. MCEA and its members agree not to sanction, support, condone, or engage in any such actions directly or indirectly during the term of this Memorandum.

**XXXV. Management Rights**

- A. The City retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the City in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct and control all of the operations and services of the City; to determine the methods, means, and organizations by which such operations and services are to be conducted; to assign and transfer employees; to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; and to change or eliminate existing methods, equipment or facilities.

**XXXVI. Applicable Law**

- A. Nothing in this Memorandum shall be construed as abrogating any rights that either party hereto has under the Meet and Confer provisions of the Government Code of the State of California.

XXX. Commuter Bus Passes

- A. The City will make available free commuter bus passes for use by employees in commuting to and from work.

XXXI. Employee Parking

- A. Free parking shall be provided by the City for car pools of three (3) or more employees per car in spaces designated for their exclusive use in the vicinity of Fire Station No. 1, subject to a reasonable limit on the number and reasonable controls by the City.

XXXII. Outside Employment

- A. All employees shall request the approval of the City prior to beginning any outside business or employment. Such business or employment shall not affect the time or quality of their City work or cast discredit upon or create embarrassment for the City.
- B. Specific policies and procedures governing outside employment shall be as contained in the Personnel Rules and Personnel Administrative Orders.

XXXIII. Non Discrimination

- A. The City and MCEA agree that the provisions of this Memorandum shall be applied without favor or discrimination based on race, religion, color, creed, age, national origin, political affiliation or beliefs, sex or handicap. They agree to recognize, respect and support the City's commitment to nondiscrimination in employment as set forth in the City's Affirmative Action Plan. MCEA agrees to encourage its members to assist in the implementation of that program.
- B. MCEA agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, religion, color, creed, age, national origin, political affiliation or beliefs, sex, handicap, job classification or employment status.

XXXVII. Approval

- A. This Memorandum shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

CITY OF MODESTO

MODESTO CITY EMPLOYEES ASSOCIATION

Michael C. Herrero

Michael C. Herrero  
Assistant to City Manager

Robin Renwick

Robin Renwick  
Personnel Manager

Bill Reeves

Bill Reeves  
Business Representative

DuWayne Miller

DuWayne Miller  
President, MCEA

Carl Richter

Carl Richter  
Past President, MCEA

Charlie Keys

Charlie Keys  
Past President, MCEA

ORIGINAL

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

---

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 July 5, 1988

---

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 July 5, 1988

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
128	Instrument Repair Technician Programmer Analyst II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective July 5, 1988

---

RANGE	TITLE
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

---





SCHEDULE A  
GENERAL NON-SWORN CLASSES

CITY OF MODESTO  
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 89/90  
EFFECTIVE 07/04/89

RANGE	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
157-0	32.2684	33.8818	35.5759	37.3547	39.2224	2581.47	2710.54	2846.07	2988.38	3137.79	5612.37	5892.99	6187.64	6497.04	6821.87
158-0	33.0751	34.7289	36.4653	38.2886	40.2030	2646.01	2778.31	2917.22	3063.09	3216.24	5752.69	6040.32	6342.33	6659.46	6992.43
159-0	33.9020	35.5971	37.3770	39.2459	41.2082	2712.16	2847.77	2990.16	3139.67	3296.66	5896.51	6191.34	6500.91	6825.96	7167.27
160-0	34.7496	36.4871	38.3115	40.2271	42.2385	2779.97	2918.97	3064.92	3218.17	3379.08	6043.93	6346.13	6663.44	6996.62	7346.46
161-0	35.6183	37.3992	39.2692	41.2327	43.2943	2849.46	2991.94	3141.54	3298.62	3463.54	6195.01	6504.78	6830.02	7171.53	7530.08
162-0	36.5088	38.3342	40.2509	42.2634	44.3766	2920.70	3066.74	3220.07	3381.07	3550.13	6349.89	6667.40	7000.75	7350.78	7718.34
163-0	37.4215	39.2926	41.2572	43.3201	45.4861	2993.72	3143.41	3300.58	3465.61	3638.89	6508.65	6834.09	7175.79	7534.58	7911.31
164-0	38.3570	40.2749	42.2886	44.4030	46.6232	3068.56	3221.99	3383.09	3552.24	3729.86	6671.36	7004.93	7355.18	7722.92	8109.09
165-0	39.3159	41.2817	43.3458	45.5131	47.7888	3145.27	3302.54	3467.66	3641.05	3823.10	6838.13	7180.05	7539.04	7916.01	8311.80
166-0	40.2988	42.3137	44.4294	46.6509	48.9834	3223.90	3385.10	3554.35	3732.07	3918.67	7009.08	7359.55	7727.51	8113.89	8519.58
167-0	41.3063	43.3716	45.5402	47.8172	50.2081	3304.50	3469.73	3643.22	3825.38	4016.65	7184.31	7543.54	7920.72	8316.76	8732.60
168-0	42.3390	44.4560	46.6788	49.0127	51.4633	3387.12	3556.48	3734.30	3921.02	4117.06	7363.94	7732.14	8118.74	8524.69	8950.90
169-0	43.3975	45.5674	47.8458	50.2381	52.7500	3471.80	3645.39	3827.66	4019.05	4220.00	7548.04	7925.44	8321.72	8737.82	9174.70
170-0	44.4824	46.7065	49.0418	51.4939	54.0686	3558.59	3736.52	3923.34	4119.51	4325.49	7736.73	8123.57	8529.73	8956.23	9404.05
171-0	45.5945	47.8742	50.2679	52.7813	55.4204	3647.56	3829.94	4021.43	4222.50	4433.63	7930.16	8326.67	8742.99	9180.14	9639.15
172-0	46.7344	49.0711	51.5247	54.1009	56.8059	3738.75	3925.69	4121.98	4328.07	4544.67	8128.42	8534.84	8961.60	9409.66	9880.13
173-0	47.9028	50.2979	52.8128	55.4534	58.2261	3832.22	4023.83	4225.02	4436.27	4658.09	8331.63	8748.21	9185.62	9644.89	10127.15
174-0	49.1004	51.5554	54.1332	56.8399	59.6819	3928.03	4124.43	4330.66	4547.19	4774.55	8539.93	8966.92	9415.29	9886.05	10380.35
175-0	50.3279	52.8443	55.4865	58.2608	61.1738	4026.23	4227.54	4438.92	4660.86	4893.90	8753.43	9191.09	9650.66	10133.18	10639.83
176-0	51.5861	54.1654	56.8737	59.7174	62.7033	4126.89	4333.23	4549.90	4777.39	5016.26	8972.27	9420.88	9891.94	10386.52	10905.85
177-0	52.8758	55.5196	58.2956	61.2104	64.2709	4230.06	4441.57	4663.65	4896.83	5141.67	9196.57	9656.42	10139.24	10646.20	11178.50
178-0	54.1977	56.9076	59.7530	62.7407	65.8777	4335.82	4552.61	4780.24	5019.26	5270.22	9426.51	9897.83	10392.72	10912.37	11457.99
179-0	55.5526	58.3302	61.2467	64.3090	67.5245	4444.21	4666.42	4899.74	5144.72	5401.96	9662.16	10145.26	10652.52	11185.14	11744.40
180-0	56.9414	59.7885	62.7779	65.9168	69.2126	4555.31	4783.08	5022.23	5273.34	5537.01	9903.70	10398.89	10918.83	11464.77	12038.01

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-846

A RESOLUTION APPROVING THE FINAL MAP OF THE ORANGE PARK  
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, EDDIE LEUNG, an individual, and AQUARIAN HOMES, INC., a  
California corporation, are possessed of a tract of land situate in the City  
of Modesto, County of Stanislaus, consisting of 6.583 acres, known as the  
Orange Park Estates 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 August, 1987, 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 Orange Park 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 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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. 89-847

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROUWER BROTHERS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1128 RENO AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brouwer Brothers for water service to property outside City limits at 1128 Reno Avenue, located on the east side of Reno Avenue between Kansas Avenue and Woodland Avenue

be, and it is hereby approved.

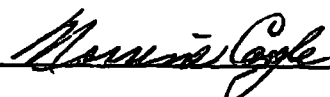
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-848

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WILLIAM LYON COMPANY TO REIMBURSE THEM 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 to reimburse them for street improvements in Claus Road adjacent to Dry Creek Meadows Subdivision

be, and it is hereby approved.

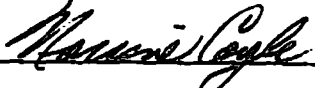
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-849

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,531 FOR REIMBURSEMENT TO THE WILLIAM LYON COMPANY FOR STREET IMPROVEMENT IN CLAUS ROAD ADJACENT TO DRY CREEK MEADOWS SUBDIVISION

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

FROM:	Expressway Loop Contingency Reserve (133 800 8000 8003)	\$20,531
TO:	Claus Road Street Construction (133 430 P876 6000)	\$20,531

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 the property line. The developer of Dry Creek Meadows Subdivision has constructed 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 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-850

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 AUGUST 26, 1989, 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 August 26, 1989, 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 August 26, 1989, 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 15 day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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. 89-851

A RESOLUTION ACCEPTING THE GRANT ALLOCATION FROM THE STATE DEPARTMENT OF RECREATION, HISTORY AND ARCHAEOLOGY GRANTS PROGRAM, CALIFORNIA WILDLIFE COASTAL, AND PARK LANDS CONSERVATION ACT OF 1988, FOR THE MC HENRY MANSION RESTORATION PROJECT.

WHEREAS, the State Department of Parks and Recreation has notified the City of Modesto that its grant application for further restoration of the McHenry Mansion has been approved, that the grant application is in the amount of \$150,000, that funding is provided under the History and Archaeology Grants Program of the California Wildlife, Coastal and Park Lands Conservation Act of 1988, and that no City match of funds is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept the grant allocation in the amount of \$150,000 for electrical and mechanical work and plastering of the second and third floors of the McHenry Mansion from the State Department of Parks and Recreation, History and Archaeology Grants Program of the California Wildlife, Coastal and Park Lands Conservation Act of 1988.

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

BE IT FURTHER RESOLVED that the City Manager is authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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. 89-852

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 MODESTO FORESTATION 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 1, 1990, 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 15 day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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. 89-853

A RESOLUTION INCREASING THE AMOUNT IN THE PETTY CASH ACCOUNT IN THE CENTRE PLAZA FUND FOR PURPOSES OF MAKING CHANGE ON THE RENTAL OF EQUIPMENT FOR THE HEARING IMPAIRED AND SUPERSEDING RESOLUTION NO. 88-265.

WHEREAS, Resolution No. 88-265 established a Petty Cash Account in the Centre Plaza Fund in the amount of \$350.00, to meet the needs for cashiering and providing change for the Modesto Centre Plaza Box Office and Parking Garage, and

WHEREAS, the Centre Plaza is now providing for the rental of assistive listening equipment for the hearing impaired which has generated a need for an increase of cash in said Petty Cash Account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Petty Cash Account (Account No. 0106) in the Centre Plaza (FUND 670) be continued and that the amount maintained therein be increased to the sum of \$400.00, for the purpose of providing for money for cashiering and making change at the Centre Plaza Box Office, Parking Garage, and Assistive Listening Equipment Booth.

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

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 88-265 adopted by the Council on April 5, 1988.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, 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. 89-854

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MERLE MENSINGER, JR.  
FROM THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD, EFFECTIVE AUGUST 15, 1989

WHEREAS, Merle Mensinger, Jr. was appointed to the Downtown Improvement District Advisory Board on August 13, 1973; and

WHEREAS, Merle Mensinger, Jr. has tendered his resignation from the Downtown Improvement District Advisory Board, effective August 15, 1989; and

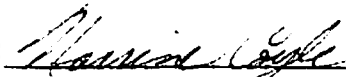
WHEREAS, Merle Mensinger, Jr. has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Merle Mensinger, Jr. from the Downtown Improvement District Advisory Board 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 Merle Mensinger, Jr. 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 15th day of August, 1989, by Councilmember Sutton, who moved its 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-855

A RESOLUTION REQUESTING SPECIAL ASSISTANCE FROM THE CALIFORNIA HIGHWAY PATROL FOR HIGHWAY 132 DURING AUGUST - OCTOBER 1989.

WHEREAS, a \$2 million barrier project has been approved for the Highway 120 bypass, designed to prevent head-on collisions, and

WHEREAS, Caltrans construction on the barrier project will begin by late August 1989 and continue through mid-October 1989, and

WHEREAS, construction on the 6.5 mile bypass will restrict westbound traffic to one lane at 35 miles per hour, and

WHEREAS, the construction will require closure of the bypass to all eastbound traffic, and

WHEREAS, it is assumed motorists traveling to and from the Modesto area and other destinations along Highway 99 south of the construction zone will travel Highway 132 to connect to Interstate 580, and

WHEREAS, it is also assumed Highway 132 will become more congested due to this shift in traffic, especially commuter traffic.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto requests special assistance from the Modesto office of the California Highway Patrol by way of additional monitoring and patrolling of the Highway 132 corridor during the months Highway 120 is under construction.

BE IT FURTHER RESOLVED, that the Council encourages all motorists using Highways 120 and 132 between late August and mid-October 1989 to use all caution and to drive defensively, being aware of the increased traffic and the increased chance of traffic problems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-856

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO

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 June 30, 1989, 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 22nd day of August, 1989, 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 22nd day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

Hearing regarding orders to construct - residential alleys:

<u>Block</u>	<u>Streets</u>
5304	Clover Ln. - Bluegrass Ln./Fair Oaks Drive - Hillview Dr.
804a	Yale Ave. - Coldwell Ave./College Ave.
825	Purdue Ave. - Fordham Ave./Tully Road - Notre Dame Ave.
6146	Linwood Dr. - Silkwood Dr./Fernwood Dr. - Glenwood Dr.
6729	Monte Carlo Ave. - Monte Verde Ave./Bowen Ave. - Mt. Vernon Dr.
6139	Concord Ave. - College Ave./Granger Ave. - Woodman Way
6821	Bowen Ave. - Northwood Dr./Fremont Ave. - Sherwood Ave.
6822	Bowen Ave. - Northgate Dr./Kirkwood Ave. - McHenry Ave.
12952	Sheffield Ln. - Windsor Ln./Rumble Rd. - Sunrise Ave.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-857

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO INCLUDE AN ELEMENTARY SCHOOL AND PARK SITE IN THE MERLE NEIGHBORHOOD AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE SYLVAN 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)

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, a Notice of Determination for a proposed school site was filed on February 22, 1989, by the Sylvan Union School District Board after Board action to approve a Negative Declaration on February 21, 1989, in compliance with the California Environmental Quality Act, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 89-94 on July 10, 1989, recommending an amendment to the General Plan Map to include designation of an elementary school and park site in the Merle Neighborhood, and

WHEREAS, on July 10, 1989, the Modesto City Planning Commission also adopted Resolution No. 89-95 which reported findings that the proposed school site in the Merle Neighborhood conforms to the General Plan, and

WHEREAS, the Council on August 8, 1989, by Resolution No. 88-833, set August 22, 1989, 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 an elementary school and park site in the Merle 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, 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 City Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to include the designation of an elementary school site to be located in the Merle Neighborhood at the southwest corner of Sharon and Fine Avenues and an adjacent park site is required for the public health, safety and welfare for the following reasons:

1. Adoption of the proposed amendment will assure that the Merle Neighborhood shall be served by adequate elementary school facilities and negate the need for students in this neighborhood to be bused elsewhere.
2. Adoption of the proposed amendment is consistent with the Land Use Element of the General Plan which sets forth objectives, principles and implementation guidelines for public facilities, including schools.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to include an elementary school site and park site in the Merle 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 Sylvan School District.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to the General Plan Map to include designation of an elementary school and park site in the Merle Neighborhood at the southwest corner of Sharon and Fine Avenues 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 22nd day of August, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

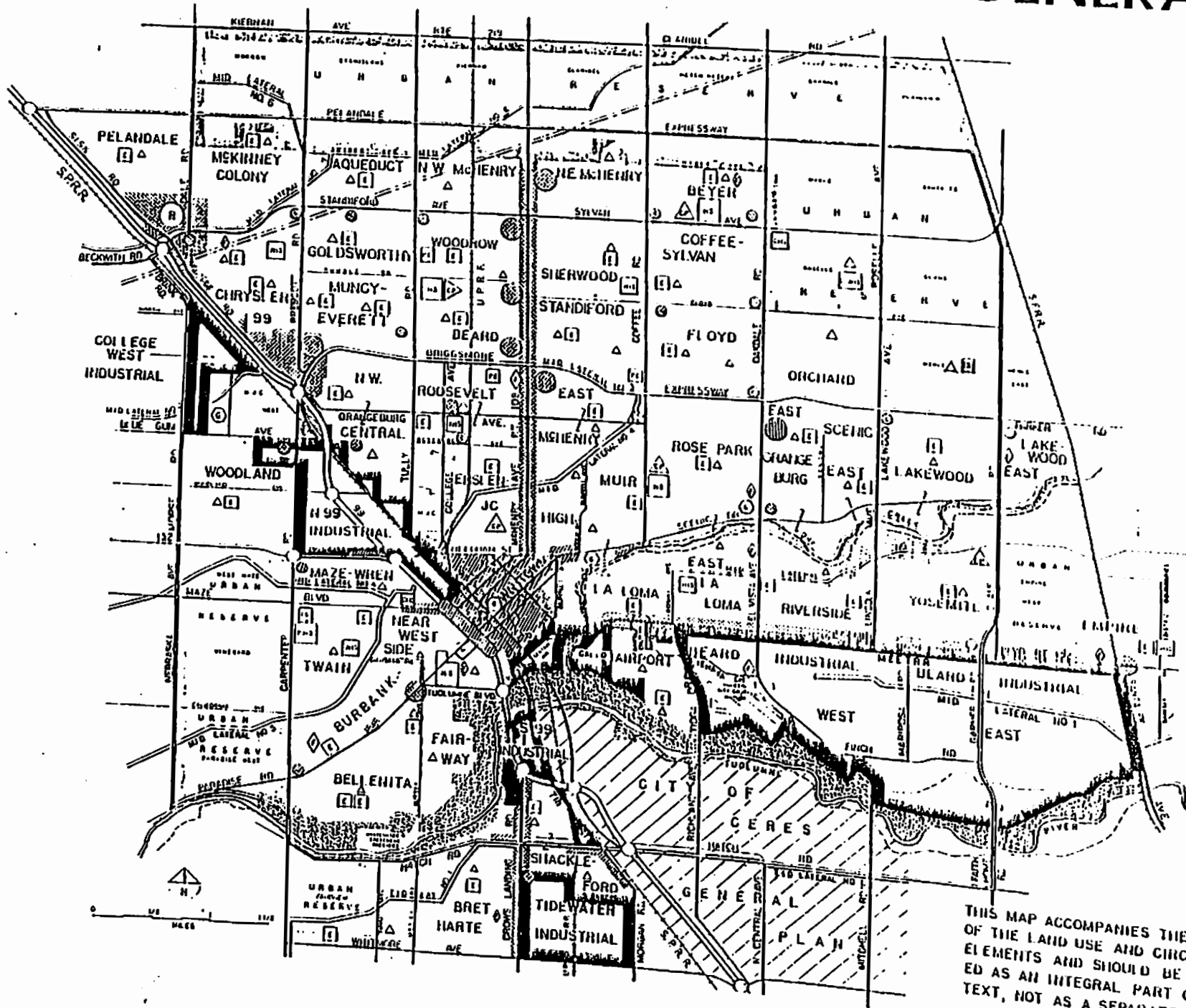
ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(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 SPACE
- PUBLIC AREAS**
- PUBLIC SCHOOLS
    - ELEMENTARY
    - JUNIOR HIGH/SENIOR CENTER
    - HIGH
    - CONTINUATION HIGH
  - PRIVATE SCHOOLS
    - ELEMENTARY
    - HIGH
  - PARKS
    - COMMUNITY
    - NEIGHBORHOOD
  - GOVERNMENT OFFICE
  - FIRE STATIONS
- CIRCULATION**
- FREEWAYS (with interchanges)
  - EXPRESSWAY
  - MAJOR STREET
  - COLLECTOR STREET
  - RAILROAD
  - HATCH HATCHY
  - CANAL
  - FLOODWAY (as indicated)

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 JAN. 4, 1960

APPROVED BY THE CITY COUNCIL ON FEB. 23, 1960

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-858

A RESOLUTION ACCEPTING THE REPAIR AND RECOATING OF DIGESTER NO. 1 AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Engineering , that the repair and recoating of Digester No. 1 at the Water Quality Control Plant has been completed by Sancon Engineering in accordance with the contract agreement dated January 10, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the repair and recoating of Digester No. 1 at the Water Quality Control Plant

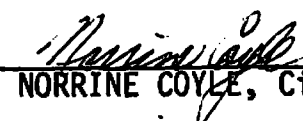
be accepted from said contractor, Sancon Engineering ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$350,278.66 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-859

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO CAL WELL DRILLING FOR THE CONSTRUCTION OF TWO WATER WELLS

WHEREAS, recently four water wells have been taken off line due to water quality problems and in order to meet water pressure and quantity needs, additional wells are needed as soon as possible.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the construction of two water wells is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Cal Well Drilling in the amount of \$110,000 for drilling two water wells, is hereby approved.

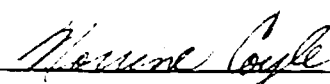
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-860

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO HENNINGS BROTHERS FOR CONSTRUCTION OF ONE WATER WELL

WHEREAS, recently four water wells have been taken off line due to water quality problems and in order to meet water pressure and quantity needs, additional wells are needed as soon as possible.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the construction of one water well is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to Hennings Brothers in the amount of \$55,000 for construction of one water well, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-861

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CONSULTANT THEODORE WROBLICKY TO REVIEW ALTERNATIVE BILLING SYSTEMS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and consultant Theodore Wroblicky, to review alternative billing 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-862

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 FROM CONTINGENCY RESERVE TO FUND HIRING A CONSULTANT TO REVIEW ALTERNATIVE BILLING SYSTEMS

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

FROM: Contingency Reserve (610 800 8000 8003) \$10,000  
Contingency Reserve (621 800 8000 8003) 10,000

TO: Services Prof. & Other (610 480 5012 0235) \$10,000  
Services Prof. & Other (621 480 5212 0235) 10,000

To provide funding for hiring a consultant to review alternative utility billing systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-863

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR THE MASTER PLAN FOR JOHANSEN COMMUNITY 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 master plan for Johansen Community Park

be, and it is hereby approved.

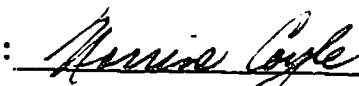
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-864

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARK VALLEY HOMES NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Kaufman and Broad of Northern California, subdividers of Park Valley Homes No. 2 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 597,300.00 and \$ 298,650.00 respectively to guarantee improvements in Park Valley Homes No. 2 and;

WHEREAS, the Director of Engineering in a memorandum dated August 14, 1989, 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 No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 597,300.00 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 \$ 298,650.00 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor, Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-865

A RESOLUTION ACCEPTING IMPROVEMENTS IN AZEVEDO ESTATES SUBDIVISION AND  
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Summerplace Partners, subdividers of Azevedo Estates Subdivision have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 129,100.00 and \$ 64,550.00 respectively to guarantee improvements in Azevedo Estates Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated August 14, 1989, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

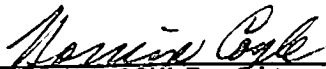
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Azevedo Estates 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 \$129,100.00 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 \$64,550.00 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-866

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK VALLEY  
HOMES NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INCORPORATED, is  
possessed of a tract of land situate in the City of Modesto, County of  
Stanislaus, consisting of 1.232 acres, known as the Park Valley Homes No. 4  
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 3rd day of April, 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 Park Valley Homes 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-867

A RESOLUTION APPROVING THE FINAL MAP OF THE BRIGGS 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 3.002 acres, known as the Briggs 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 Briggs 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-868

A RESOLUTION APPROVING THE FINAL MAP OF THE SOUTHGATE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, COLLINS-ROSSEN, a General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.07 acres, known as the Southgate 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 March, 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 Southgate 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 August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-869**

**A RESOLUTION OF PRELIMINARY DETERMINATION AND OF INTENTION TO  
MAKE IMPROVEMENTS**

**CITY OF MODESTO  
Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"),  
County of Stanislaus, State of California, that

1. The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements described in Exhibit "A" attached hereto and made a part hereof.

2. Except as herein otherwise provided for the issuance of bonds, all of said work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Code") and Section 19 of Article XVI of the Constitution of the State of California.

3. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on said plans to be done therein. Said streets and highways are or will be more particularly shown in the records in the office of the County

Recorder of the County of Stanislaus, State of California, and shall be shown upon said plans.

4. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

5. In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on said private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, said work on private property shall, with the written consent of the owner of said property, be done and the actual cost thereof may be added to the proposed assessment of the lot on which said work is to be done.

6. This Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of this City.

7. The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. Said contemplated improvements, in the opinion of this Council, are of more

than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

9. This Council declares that all public streets, highways, lanes and alleys within said assessment district in use in the performance of a public function, and all lands owned by any public entity, including the United States and the State of California, or any departments thereof, shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said improvements.

10. Said improvements are hereby referred to Edward Walker, City Engineer of the City of Modesto, as Engineer of Work for this assessment district (the "Engineer of Work"), and said Engineer of Work is hereby directed to make and file with said Clerk a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements to be acquired, if any;

(b) Plans and specifications of the proposed improvement if the improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and the type of improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, or either or both may be incorporated in the report as a combined document.

(c) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements.

(d) An estimate of the cost of the improvements and incidental expenses in connection with the improvements, including any cost of registering bonds.

(e) A diagram showing, as they existed at the time of the passage of the resolution of intention, all of the following:

(i) The exterior boundaries of the assessment district.

(ii) The boundaries of any zones within the district.

(iii) The lines and dimensions of each parcel of land within the district.

Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (e).

When any portion or percentage of the costs and expenses of said improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost

and expenses of said improvements, and said assessment shall include only the remainder of the estimated cost and expenses.

11. If any excess shall be realized from the assessment it shall be used, in such amounts as this Council may determine, in accordance with the provisions of law, for one or more of the following purposes:

(a) Transfer to the general fund of this City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment; or

(c) For the maintenance of the improvements.

12. Michael B. Gilton, Senior Civil Engineer, Engineering Department, City of Modesto, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at 801 – 11th Street, Modesto, California, 95353, or by calling (209) 577–5261.

13. To the extent that any of the work, rights and improvements indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this City, or of any public utility, it is the intention of this Council to enter into an agreement with such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of Division 12 of the Code, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of said works, rights, improvements, and may provide for the installation of all or a portion of such improvements by said agency or utility and for the providing of service to the properties in the area benefiting from said work, rights, improvements by such agency or utility in accordance with its rates, rules and regulations, and that such

agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement.

14. Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, Division 10 of the Code, the last installment of which bonds shall mature not to exceed twenty-four (24) years from the second day of September next succeeding twelve months from their date. The provisions of Part 11.1 of said Division 10 of said Code, providing an alternative procedure for the advance payment and calling of bonds, shall apply to said bonds issued in these proceedings. It is the intention of this Council to create a special reserve fund pursuant to and as authorized by Part 16 of said Division 10 of said Code. It is the intention of the City that the City will not obligate itself to advance available funds from the treasury of the City to cure any deficiency in the redemption fund to be created with respect to said bonds; provided, however, that a determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

Said bonds may be refunded pursuant to the provisions of Division 11.5 of the Code upon the determination of the City Council of the City that the public interest or necessity requires such refunding. Such refunding may be undertaken by this Council when, in its opinion, lower prevailing interest rates may allow reduction in amount of the installments of principal and interest upon said assessments to given to owners of property assessed for the works herein described. Said refunding bonds shall bear interest at a rate not to exceed that which is stated in the resolution of this Council

expressing its intention to issue said refunding bonds, which resolution of intention shall also set forth the maximum term of years of said refunding bonds. Any adjustment to assessments resulting from the refunding will be done on a *pro rata* basis. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Council finds that each of the conditions specified in the resolution of intention is satisfied and that adjustments to the assessments are on a *pro rata* basis, the Council may approve and confirm the report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of said Division 11.5.

15. Notice is hereby given that, in the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the Public Contract Code, no notice of award of contract shall be published.

16. Notice is hereby given that it is the intention of this Council to consider adoption of an ordinance, pursuant to Section 10205 of the Streets and Highways Code, authorizing contributions by the City of Modesto, from any sources of revenue not otherwise prohibited by law, of a specified amount, portion or percentage of such revenues, for the purpose of acquisition or construction of improvements, the acquisition of interests in real property and the payment of expenses incidental thereto for the use and benefit of the assessment district contemplated by this Resolution, and to consider authorizing application of such revenues as a credit upon the assessment proposed to be levied in proceedings pursuant hereto.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

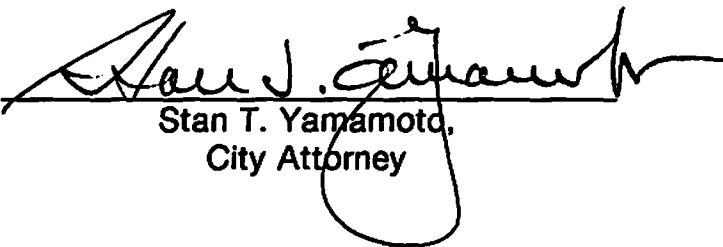
ABSTAIN/ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE,  
City Clerk

By: 

(SEAL)

APPROVED AS TO FORM:

By:   
Stan T. Yamamoto,  
City Attorney

**CITY OF MODESTO**  
**Local Improvement District No. 28**

**DESCRIPTION OF WORK**

Within the City of Modesto, County of Stanislaus, State of California, the construction and acquisition of the following public improvements, together with the acquisition of all required rights-of-way, licenses, franchises, and permits and the construction of all auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans and specifications to be approved by the City of Modesto:

Sanitary sewer facilities, including all required mains, lines, laterals, manholes, fittings and appurtenances in portions of the following streets:

- Edgebrook Drive between El Vista Avenue and Trask Lane
- Colfax Avenue between Edgebrook Drive and Carol Street
- Pacific Avenue between Edgebrook Drive and Colfax Street
- Curry Avenue between Ada Street and Edgebrook Drive
- Trask Lane between Carol Street and Hamble Lane
- Carol Street between El Vista Avenue and Trask Lane
- Lambert Street between El Vista Avenue and Trask Lane
- Ada Street between El Vista Avenue and Trask Lane
- Meta Court from Ada Street to Ada Street
- Encina Avenue between Colfax Avenue and Trask Lane
- Viola Avenue between Colfax Avenue and Trask Lane
- Roble Avenue between Colfax Avenue and Trask Lane
- Scenic Drive from Oakdale Road to the western boundary of APN 34-1207
- Reno Avenue from Kansas Avenue to the northern boundary of APN 29-1260
- Franzia Court from Kansas Avenue to Reno Avenue
- Kansas Avenue from Carpenter Road to the eastern boundary of APN 29-1815
- California Avenue along frontage of APN 30-1509
- Laurel Avenue from the western boundary of APN 29-2201 to the eastern boundary of APN 29-2114
- Bennett Avenue along frontage of APN 29-2021

- Houser Lane along frontages of APN 30-1611, 30-5101 and 30-5102, inclusive
- Rumble Road from Conant Avenue to western boundary of APN 76-4209 and along frontage of APN 5-3704
- Kansas Avenue along frontages of APN 7-3519 and 7-3526, inclusive
- Rosemore Avenue between Cox Avenue and Prichard Avenue
- Parr Avenue between Rosemore Avenue and Prichard Road
- Maddux Avenue between Cox Avenue and Parr Avenue
- Blue Gum Avenue between Rosemore Avenue and Prichard Avenue
- Cox Avenue between Rosemore Avenue and Blue Gum Avenue
- Prichard Avenue between Cox Avenue and Blue Gum Avenue
- Rouse Avenue along frontages of APN 37-2935 and 37-2908, inclusive

**A RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT, APPOINTING TIME AND PLACE OF HEARING PROTESTS AND DIRECTING NOTICE THEREOF, AND DESCRIBING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT AND DIRECTING FILING OF BOUNDARY MAP**

**CITY OF MODESTO  
Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, California, that

**WHEREAS**, on August 22, 1989, this Council adopted Resolution No. 89-869, a Resolution of Preliminary Determination and of Intention to Make Improvements, in which said improvements were referred to the Engineer of Work for the purpose of making and filing a report in writing under and pursuant to the Municipal Improvement Act of 1913; and

**WHEREAS**, said report has been made and filed and duly considered by this Council;

**NOW, THEREFORE, IT IS ORDERED**, as follows:

1. Said report as a whole and each part thereof, to wit:

- (a) the plans and specifications for the proposed improvements;
- (b) the engineer's estimate of the itemized and total costs and expenses of said improvements, and of the incidental expenses in connection therewith;
- (c) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within said district; and
- (d) the assessment of the total amount of the costs and expenses of the proposed improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions,

respectively, from said improvements, and of the expenses incidental thereto; are sufficient and are preliminarily approved.

2. Said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings herein.

3. Tuesday, October 3, 1989, at the hour of 4:00 o'clock p.m., in the regular meeting place of this Council, Council Chambers, City Hall, 801 - 11th Street, Modesto, California, be, and the same are hereby appointed and fixed as the time and place when and where this Council will consider and finally determine whether the public interest, convenience and necessity require said improvements, and when and where it will consider and finally act upon said Engineer's Report.

4. The City Clerk shall cause notice of said hearing to be given by publication once a week for two weeks in the Modesto Bee, a newspaper published and circulated in the City of Modesto, and by conspicuous posting along all the open streets within said assessment district at not more than three hundred feet apart, and not less than three in all. The first publication of said notice shall be made and said posting shall be completed at least twenty days before the date herein set for said hearing. Said notices shall be headed "Notice of Improvement" (in letters of not less than one inch in height on the posted notice) and shall, in legible characters, state and contain: the fact and date of the passage of said Resolution of Intention, the filing of said report, the date, hour and place set for and the purpose of the hearing on said resolution and report and of protests; the total estimated cost, and a brief description of the proposed improvements; that any person interested may file a protest in writing as provided in Division 12 of the Streets and Highways Code; and reference to said resolution and report for further particulars.

5. Said Clerk shall also cause notice of said hearing to be mailed, postage prepaid, at least twenty days before the date herein set for said hearing, to all persons

owning real property to be assessed whose names and addresses appear on the last equalized assessment roll for general taxes or are known to said Clerk. Said notices shall contain, in addition to the matters provided above for the notice to be published and posted, the amount, as shown by said report, to be assessed against the particular parcel covered by each such notice, respectively. Said notices shall be mailed to such owners at their addresses as same appear on said assessment roll, or as known to said Clerk, or to both if not the same.

6. The proposed boundaries of said assessment district are hereby described as shown on a map thereof filed in the office of said Clerk, which indicates by a boundary line the extent of the territory included in the proposed assessment district and which shall govern for all details as to the extent of such district, reference to such map being hereby made for particulars. Said map contains the name of said City and a distinctive designation in words or by number of the district shown thereon.

7. Said Clerk shall endorse certificates on the original and at least one copy of said map evidencing the aforesaid filing and the date and adoption of this resolution, and within 15 days after adoption of this resolution, and in no event later than 15 days prior to said hearing, shall file a copy thereof with the County Recorder of the County of Stanislaus, in which County all of such proposed assessment district is located. The County Recorder shall endorse on said copy of said map the time and date of filing and shall fasten the same securely in a book of maps of assessment districts which he shall keep in his office, and index such map by the name of said City and by the distinctive designation of the district as shown on such map.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None


ABSTAIN/ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE,  
City Clerk

By: 

(SEAL)

APPROVED AS TO FORM:

By:   
Stan T. Yamamoto,  
City Attorney

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS, CALLING FOR SEALED PROPOSALS AND FIXING LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE WORK WITHIN TIME SPECIFIED**

**CITY OF MODESTO**  
**Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, California, that

**WHEREAS**, on August 22, 1989, this Council adopted Resolution No. 89-869, A Resolution of Preliminary Determination and of Intention to Make Improvements, and plans and specifications suitable for calling for bids for construction of said improvements have been submitted for approval by this Council;

**NOW, THEREFORE, IT IS ORDERED** as follows:

1. That said plans and specifications for the construction of said improvements, on file in the office of the City Clerk of this City, are hereby approved.
2. Said Clerk is hereby directed to publish once a week for two weeks in the Modesto Bee, a newspaper published and circulated in the City of Modesto a notice inviting sealed proposals or bids for the construction of said improvements, and referring to the plans and specifications on file in the office of said Clerk, the first publication of which notice shall be at least fourteen (14) days prior to the time fixed for opening bids.
3. All proposals or bids shall be accompanied by cash, a cashier's or certified check payable to the order of the City of Modesto amounting to ten percent (10%) of the bid, or by a bond in said amount and payable to the City of Modesto signed by the bidder and a corporate surety or by the bidder and two sureties who shall justify before any officer competent to administer an oath, in double said amount and over and above all statutory exemptions. The amount so posted shall be forfeited to this City in case the bidder depositing the same does not, within fifteen (15) days after written notice that the

contract has been awarded to him, enter into the contract to construct said improvements.

4. Pursuant to Section 1773 of the Labor Code of the State of California, the City of Modesto has obtained from the Director of the Department of Industrial Relations the general prevailing rate of *per diem* wages and the general prevailing rate for holidays and overtime work for each craft, classification, or type of workman required to execute the contract. A copy of said prevailing rate of *per diem* wages is on file in the principal office of the City of Modesto, to which reference is hereby made for further particulars. Said prevailing rate of *per diem* wages will be made available to any interested party upon request, and a copy thereof shall be posted at the job site.

5. That in the event the contractor, contracting owners included, does not complete the work within the time limit specified in the proposed contract or within such further time as this Council shall have authorized, the contractor or contracting owners, as the case may be, shall pay to this City liquidated damages in the amount of One Hundred Fifty and No/100 Dollars (\$150.00) per calendar day for each and every day's delay in finishing the work beyond the completion date specified in said contract. Additional provisions with regard to said time of completion and liquidated damages are set forth in the specifications, which provisions are hereby referred to and incorporated herein by reference.

6. Said sealed proposals or bids shall be delivered to the City Clerk of this City on or before 11:00 o'clock a.m. on September 21, 1989, said time being not less than fourteen (14) days from the time of the first publication of said notice. Bids will be publicly opened, examined and declared on said day and hour, and referred to and considered by this Council at its meeting on Tuesday, October 3, 1989, at the hour of 4:00 o'clock p.m.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizzary, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

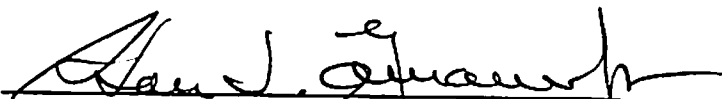
ABSTAIN/ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE,  
City Clerk

By: 

(SEAL)

APPROVED AS TO FORM:

By:   
Stan T. Yamamoto,  
City Attorney

**A RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES AND  
AUTHORIZING EXECUTION THEREOF**

**CITY OF MODESTO  
Local Improvement District No. 28**

**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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSTAIN/ABSENT: Councilmembers: None

( S E A L )

ATTEST: NORRINE COYLE,  
City Clerk

By: *Norrine Coyle*

APPROVED AS TO FORM:

By: *Stan T. Yamamoto*  
Stan T. Yamamoto,  
City Attorney

# **AGREEMENT FOR LEGAL SERVICES**

## **CITY OF MODESTO** **Local Improvement District No. 28** **Special Assessment Proceedings**

This Agreement is between City of Modesto, A Municipal Corporation, County of Stanislaus, California (the "City"), and Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California (the "Attorneys"), and is for special bond counsel services for the above special assessment proceedings.

### **A. Under this Agreement, Attorneys agree to:**

1. Consult with City administrative officers and assist in the formulation of a coordinated financial, engineering, and legal program for the project.

2. Confer with City engineers as to the sufficiency of the Engineer's Report to be prepared in said special assessment and assessment bond proceedings to meet the requirements of law and review said report for compliance with law, and provide such legal forms as may be required for legal adequacy.

3. Prepare all resolutions, orders, ordinances, notices, affidavits, petitions, and documents of a legal nature that are necessary for the conduct of an effective, legal assessment and assessment bond proceeding.

4. Prepare the necessary legal documents for and assist in obtaining the required consent or approval of any other public legislative bodies.

5. Prepare the form of statutory notices of hearing and prepare instructions as to the publication, posting and mailing of such notices to assure that jurisdiction is acquired at any public hearing.

6. Prepare instructions relating to the proper filing of the map showing district boundaries, the proper recordation of the assessment roll and diagram and the notice of assessment, the proper filing of the diagram in the County Recorder's office, and the proper publication and mailing of notices to pay assessments.

7. Prepare or supervise preparation and distribution of factual information regarding the project to the property owners affected thereby, to the end that all concerned are fully and fairly informed of the facts regarding the project, when deemed necessary or desirable.

8. Prepare for and attend all meetings of the City or other public bodies relating to the proceedings and other public or staff meetings deemed necessary for the proper conduct of the proceedings, or when called upon by you, including any public hearing in connection with the formation of the assessment district, and obtain and assist in the presentation of substantial evidence to support any findings made by the Council at the conclusion of any such hearing.

9. Prepare the List of Unpaid Assessments and provide instructions as to the execution and filing thereof.

10. Without undertaking an independent investigation, review any official statement or private placement memorandum prepared in connection with the financing proceedings.

11. Prepare and provide a receipt for the sale of bonds; a receipt for the proceeds of bonds; a signature certificate; and an arbitrage certificate and bond counsel arbitrage opinion, if required, to accompany the delivery of the bonds.

12. Prepare and provide complete transcripts of the conduct of the financing proceedings if necessary to accompany the delivery of the bonds.

13. Upon due and proper completion of the assessment proceedings, provide the legal opinion of our office approving in all regards the legality of the proceedings for the authorization, issuance, sale and delivery of bonds, levy of assessments, or other transactions relating to said financing conducted pursuant to our advice, and the opinion of our office that the interest on said bonds is exempt from taxation by the United States of America and from personal income taxes imposed by the State of California under existing statutes, regulations, rulings and judicial decisions and that said bonds are exempt from all other State of California taxes except inheritance, gift and franchise taxes.

14. Confer and consult with City officials with regard to problems which may arise during the period of servicing and payment of the bonds.

**B. Under this Agreement, City agrees that:**

1. Attorneys' compensation for such services shall be 1½% of the assessment (provided only that the minimum fee for any single proceeding shall be \$20,000.)

2. Attorneys' compensation is payable and shall be paid solely from the proceeds of the assessments to be levied and bonds to be issued pursuant to said proceedings and not otherwise. In the event more than a single assessment district is formed for completion of the project, the foregoing fee shall be applied to each district so formed. In the event the proceedings are terminated before bonds are issued, the City shall not be liable for Attorneys' compensation.

3. There are excepted from the services to be rendered by Attorneys for such compensation, any services as right-of-way agent relating to the acquisition of lands, easements, or properties. There is also excluded any service to be rendered in eminent domain proceedings directed by you to be undertaken by us, or in any other litigation involving the City including the prosecution of any validating suit deemed by us to be proper or advisable. Additionally, if Attorneys are requested to render substantial assistance relating to the application for federal or state grants or loans in connection with the project, or for the sale of any bonds to the State of California or the Federal Government, or to any agency, division, department or mandatory thereof, Attorneys shall receive the reasonable value of such services.

4. For any excluded services which Attorneys are directed to render, compensation shall be made on a reasonable fee basis to be agreed upon.

5. There are also excluded any clerical services and postage expended in mailing official notices of sale and official statements, notices of hearing or notices to pay or in the preparation of any bond register or auditor's record in any assessment proceedings when assumed and performed by us, for which services Attorneys are to be paid a reasonable clerical fee and be reimbursed for outlays of postage and other out-of-pocket expenses.

6. It is understood that neither Attorneys nor any individual representing Attorneys possesses any authority with respect to any decision of the City Council or any City officials beyond the rendition of information, advice, recommendation, or counsel.

7. This agreement may be terminated or modified by mutual consent at any time.

\*\*\*\*\*

Dated as of *[Signature]*, 1989

JONES HALL HILL & WHITE,  
A Professional Law Corporation

By: *[Signature]*  
Stephen R. Casaoggio  
Vice President

The foregoing agreement was accepted by motion of the City Council, duly adopted at a meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 1989.

CITY OF MODESTO, a municipal corporation

[ S E A L ]

By \_\_\_\_\_  
GARTH LIPSKY, City Manager

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-873

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR PLAN CHECKING AND INSPECTION RESPONSIBILITIES FOR THE JOHANSEN HIGH 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 City plan checking and inspection responsibilities for the Johansen High School to be located in the County on Claus Road at Creekwood 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 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-874

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, the City Council has established a citizens committee and subcommittees thereof to advise the Council on the City's Housing and Community Development (HCDA) Program, and

WHEREAS, terms of office and other procedures for said committee and subcommittees thereof are specified, and

WHEREAS, the Council desires to add two alternate seats to the Rehabilitation Loan Pool Subcommittee.

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

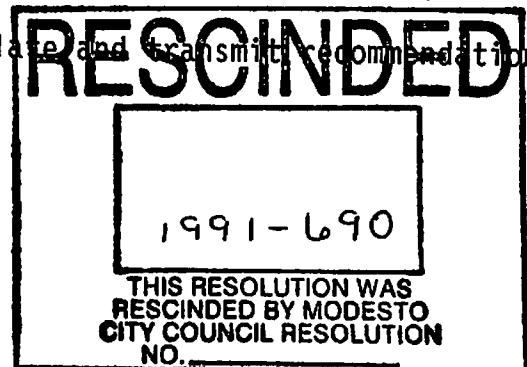
A. Committee and Subcommittee Titles and Roles.

The Committee and Subcommittee titles and roles hereinafter stated are hereby established.

1. Title: Citizens Housing and Community Development Committee

Role: To provide overall review and make recommendations to the City Council regarding the city's HCDA program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and subcommittee effectiveness; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.

AMENDED  
on \_\_\_\_\_  
By Resolution 90-907



2. Title: Housing Maintenance and Counseling Subcommittee

Role: To develop the Housing Maintenance Program, especially the procedural manual including administrative procedures and policies; to develop a relocation program including provisions for emergency housing; to develop a counseling program; to monitor and evaluate these housing maintenance and counseling efforts; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

3. Title: Rehabilitation Loan Pool Subcommittee

Role: To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

4. Title: Economic Development Loan Pool Subcommittee

Role: To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

B. Committee and Subcommittee Membership Composition and Terms

The Committee and Subcommittee membership composition and terms of office shall be as follows:

1. Terms of Office

- a. There shall be a two term maximum for any person.
- b. Full terms shall be four years.
- c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

All regular Committee and Subcommittee members shall be appointed by the City Council. The two alternate members of the Rehabilitation Loan Pool Subcommittee shall be appointed as follows:

Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Rehabilitation Loan Pool Subcommittee.

Alternate Seat No. 9 - A member of the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County and the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Rehabilitation Loan Pool Subcommittee.

- a. Citizens Housing and Community Development Committee
  - Seat No. 1 - City Council Member
  - Seat No. 2 - Citizen at Large
  - Seat No. 3 - Board of Supervisors Member
  - Seat No. 4 - Planning Commissioner
  - Seat No. 5 - Human Rights Commissioner or Citizen at Large
  - Seat No. 6 - Citizen at Large
  - Seat No. 7 - Citizen at Large
  - Seat No. 8 - Chairperson, Housing Maintenance and Counseling Subcommittee
  - Seat No. 9 - Chairperson, Rehabilitation Loan Pool Subcommittee
  - Seat No. 10- Chairperson, Neighborhood Advisory Committee #3
  - Seat No. 11- Chairperson, Economic Development Loan Pool Subcommittee
  
- b. Housing Maintenance and Counseling Subcommittee
  - Seat No. 1 - City Council Member
  - Seat No. 2 - Planning Commissioner
  - Seat No. 3 - Human Rights Commissioner or Citizen at Large
  - Seat No. 4 - Provider of Shelter
  - Seat No. 5 - Provider of Services
  - Seat No. 6 - Provider of Services or Program User
  - Seat No. 7 - Provider of Services or Program User
  
- 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 - Provider of Shelter or Program User
  - 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
  
- d. Economic Development Loan Pool Subcommittee
  - Seat No. 1 - Council Member
  - Seat No. 2 - Commercial Financial Institution
  - Seat No. 3 - Commercial Financial Institution

Seat No. 4 - Business Institution  
Seat No. 5 - Business Institution  
Seat No. 6 - Low Income/Minority Citizen  
Seat No. 7 - Low Income/Minority Citizen

C. Chairperson and Vice Chairpersons

1. Chairpersons for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Subcommittee, the Rehabilitation Loan Pool Subcommittee, and the Economic Development Loan Pool Subcommittee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Subcommittee, the Rehabilitation Loan Pool Subcommittee, and the Economic Development Loan Pool Subcommittee shall be elected by the respective committees.

3. Full terms of office of Chairpersons and Vice Chairpersons of the committees shall be four years commencing on July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four persons each for the Housing Maintenance and Counseling Subcommittee, the Rehabilitation Loan Pool Subcommittee and the Economic Development Loan Pool Subcommittee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Maintenance and Counseling Subcommittee, the Rehabilitation Loan Pool Subcommittee, and the Economic Development Loan Pool Subcommittee.

3. The Rehabilitation Loan Pool Subcommittee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Subcommittee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Subcommittee quorum.

E. Staff

The Department of Planning and Community Development shall provide staff support for the Citizens Housing and Community Development Committee and its subcommittees and coordinate assistance from other city departments.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 87-1206 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-875

A RESOLUTION APPROVING A GRANT OFFER FOR MODESTO CITY-COUNTY AIRPORT FOR FEDERAL FUNDS TO COMPLETE A ONE-INCH POROUS FRICTION COAT, INCLUDING MARKING AND STRIPING FOR THE INSTRUMENT RUNWAY (2BR/10L)

WHEREAS, a preapplication was approved by the Council and submitted to the Federal Aviation Administration on April 18, 1989 by Resolution No. 89-495 for federal funds to complete a porous friction coat for runway 28R/10L with marking and striping at the Modesto City-County Airport; and

WHEREAS, the preapplication has been approved by the Federal Aviation Administration and \$202,500 in federal funds has been allocated to the City of Modesto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant offer on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$202,500 for above-mentioned project be, and it is hereby approved.

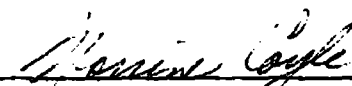
BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-876

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SCOTTSDALE INSURANCE COMPANY/FRED S. JAMES & COMPANY FOR SPECIAL EVENTS INSURANCE COVERAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Scottsdale Insurance Company/Fred S. James & Company for Special Events Insurance coverage for the Centre Plaza, Legion Hall, and park sites throughout the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-877

A RESOLUTION APPROVING THE FINAL MAP OF THE EASTGATE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, WARNER M. SOELLING, as his sole and separate property, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.46 acres, known as the Eastgate 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 July, 1987, 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 Eastgate 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 August, 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, McGrath, Muratore, Patterson, Sutton, 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. 89-878

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF NANCY KOMJATHY-SALYER FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE AUGUST 22, 1989

WHEREAS, Nancy Komjathy-Salyer was appointed a member of the Local Cable Programming Committee on February 17, 1987; and

WHEREAS, Nancy Komjathy-Salyer has tendered her resignation from the Local Cable Programming Committee effective August 22, 1989; and

WHEREAS, Nancy Komjathy-Salyer 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 Nancy Komjathy-Salyer from the Local Cable Programming 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 Nancy Komjathy-Salyer for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-879

A RESOLUTION ACCEPTING THE BID OF GARRAD MARSH, DALLAS KADRY, AND TAMARA MARSH FOR PURCHASE OF SURPLUS HOUSE TO BE MOVED AT 2845 LINCOLN AVENUE

WHEREAS, Resolution No. 89-798, adopted by the Council of the City of Modesto on August 1, 1989, approved the plans and specifications for the sale of a house located at 2845 Lincoln Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of a house to be moved at 2845 Lincoln Avenue were opened at 10:00 a.m. on September 5, 1989, and later tabulated by the City Attorney for the consideration of the Council; and

WHEREAS, the City Attorney has recommended that the bid of Garrad Marsh, Dallas Kadry, and Tamara Marsh in the amount of \$1,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Garrad Marsh, Dallas Kadry, and Tamara Marsh in the amount of \$1,000 be accepted and the execution of a contract by the City's designated officials be authorized.

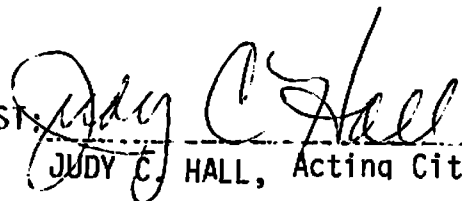
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-880

A RESOLUTION DENYING THE REQUEST BY UNITED STATES ACADEMY OF ELITE GYMNASTICS BOOSTER CLUB FOR CITY FINANCIAL ASSISTANCE FOR SEVEN GYMNASTS AND TWO COACHES OF THE UNITED STATES ACADEMY OF ELITE GYMNASTICS TO ATTEND THE NATIONAL CHAMPIONSHIPS IN GREENSBORO, NORTH CAROLINA.

WHEREAS, the United States Academy Of Elite Gymnastics Booster Club has requested City financial assistance to defray costs of sending seven gymnasts and two coaches of the United States Academy Of Elite Gymnastics to attend the National Championships in Greensboro, North Carolina, and

WHEREAS, the City Council, by Resolution No. 80-1065 as amended by Resolution No. 81-716, adopted a "Policy for Evaluating Requests for City Financial Assistance", and

WHEREAS, the Council has reviewed said policy and finds that said request does not meet the criteria established for granting requests for City Financial Assistance, and therefore finds it inappropriate to grant said request as the United States Academy of Elite Gymnastics is a profit making business organization and does not offer a service or activity which is available to the community in general and, therefore, does not qualify for receiving City funds based on the criteria established for granting such requests.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, although this is a worthwhile program for young people in the community, the United States Academy Of Elite Gymnastics Booster Club's request for City financial assistance does not qualify for receiving City funds based on the criteria established pursuant to Resolution No. 80-1065 as amended by Resolution No. 81-716, and, therefore, said request is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore,  
Sutton, 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. 89-881

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCK 6042 - ORANGEBURG AVENUE - OAKWOOD AVENUE/CARVER ROAD - DEL VALE AVENUE)

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 June 30 1989, 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 5th day of September, 1989, at 4:00 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 5th day of September, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

## BLOCK 6042

ORANGEBURG AVENUE - OAKWOOD DRIVE/DEL VALE AVENUE - CARVER ROAD

Yohannan, Ike W., et ux	1329 Del Vale Avenue	\$398.45
Franklin, Steven E.	1606 Orangeburg Avenue	389.11
Ayers, Kenneth L.	1610 Orangeburg Avenue	389.11
De Lor, Jean L. S.	1614 Orangeburg Avenue	389.11
Cambra, Mabel, et al	1618 Orangeburg Avenue	389.11
Heumann, Arthur, et ux	1622 Orangeburg Avenue	389.11
Panella, Bernard R.	1626 Orangeburg Avenue	389.11
Walker, Edwin J. et ux	1630 Orangeburg Avenue	389.11
Loretelli, Roy A.	1634 Orangeburg Avenue	389.11
Haverland, Barbara	1638 Orangeburg Avenue	389.11
Wong, Deck H., et ux	1334 Carver Road	382.34
Schorr, Michael S., et ux	1330 Carver Road	568.82
Smith, Walter C., et ux	1633 Oakwood Drive	267.65
McGinnis William J., et ux	1629 Oakwood Drive	603.78
McGrew, James D., et ux	1625 Oakwood Drive	395.09
Strong, Edith, S. et ux	1621 Oakwood Drive	389.11
LaBrake, Phyllis	1617 Oakwood Drive	389.11
Harper, Donald J., et ux	1613 Oakwood Drive	389.11
Heller, Clifford Frank, et ux	1609 Oakwood Drive	389.11
Gaertner, George W., et ux	1605 Oakwood Drive	389.11
Abraham, Wilson, et ux	1325 Del Vale Avenue	382.28

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-882

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF ALLEYS IN CERTAIN BLOCKS IN THE CITY OF MODESTO (BLOCK 6822 - BOWEN AVENUE - NORTHGATE DRIVE/KIRKWOOD AVENUE-MCHENRY AVENUE)

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 June 30 19 89 , 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 5th day of September 19 89, at 4:00 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 5th day of September, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-883

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR WATER AND SEWER LINE RELOCATION AT N. MADISON AVENUE  
AND LINDEN STREET

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

SECTION 1. The plans and specifications for the water and sewer line relocation at N. Madison Avenue and Linden 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 September 28, 1989, at 11:10 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.

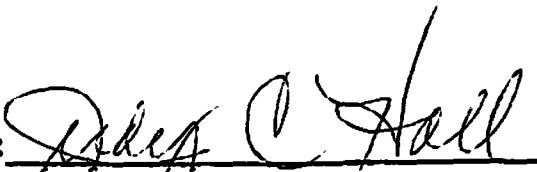
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-884

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE WATERLINE EXTENSION ON MARIN, USTICK AND  
WHITMORE AVENUES

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

SECTION 1. The plans and specifications for the waterline extension on Marin, Ustick and Whitmore Avenues 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 28, 1989, 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.

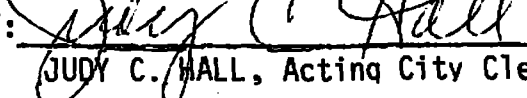
SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-885

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR WATERLINE EXTENSION ACROSS HIGHWAY 99 FREEWAY  
BRIDGE

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

SECTION 1. The plans and specifications for the waterline extension  
across Highway 99 Freeway 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 September 28, 1989, 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.

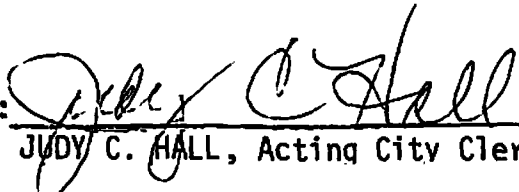
SECTION 3. After the bids are opened, they shall be tabulated and analyzed  
and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-886

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT STANDIFORD AT  
SISK AND STANDIFORD AT DALE

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

SECTION 1. The plans and specifications for the traffic signal  
modifications at Standiford at Sisk and Standiford at Dale  
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 21, 1989 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 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-887

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING LANDSCAPING MAINTENANCE SERVICE

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

SECTION 1. The plans and specifications for furnishing landscaping  
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 October 2, 1989, 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.

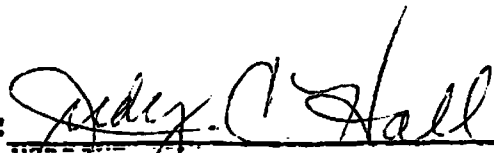
The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 5th day of September, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Irizarry, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-888

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF  
MODESTO FOR FISCAL YEAR 1989-90 TO ESTIMATE REVENUE AND  
APPROPRIATIONS FOR ASSESSMENT DISTRICT NO. 1.

WHEREAS, Assessment District No. 1 was established in 1988 to  
maintain the trees and plantings within the public right of way along Claus  
Road and parkway Drive, and

WHEREAS, the City is responsible to maintain the landscaping after  
July 1, 1989, and

WHEREAS, assessment revenue will be received from Stanislaus County  
during the 1989-90 fiscal year to provide funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the 1989-90 Annual Budget of the City of Modesto be amended as follows:

GENERAL FUND (FUND NO. 010)

<u>Agcy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
Expenditures 310/3113/0235.01	Professional Services	\$18,760
Revenue 120/0000/5101.01	Special Assessments Landscape Dist #1	(18,760)

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 5th day of September, 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, McGrath, Muratore, Sutton,  
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. 89-889

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING REPLACEMENT PARTS FOR STREET SWEEPER

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

SECTION 1. The plans and specifications for furnishing replacement parts for street sweeper 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 2, 1989, 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.

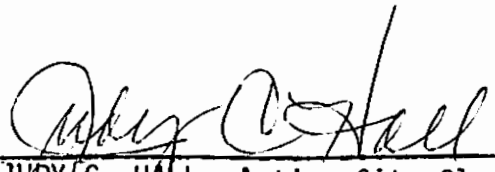
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-890

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE EXTENSION OF WATERLINES ON ROUSE AVENUE, CREEKWOOD DRIVE, GLENN AVENUE, SEMALLON AVENUE AND CLAUS ROAD

WHEREAS, Resolution No. 89-778 , adopted by the Council of the City of Modesto on July 25, 1989 , approved the plans and specifications for the extension of waterlines on Rouse Avenue, Creekwood Drive, Glenn Avenue, Semallon Avenue and Claus Road

and authorized the calling for bids; and

WHEREAS, the bids received for the extension of waterlines on Rouse Avenue, Creekwood Drive, Glenn Avenue, Semallon Avenue and Claus Road were opened at August 15, 1989 at 11:00 a.m. , 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 Joe Martin Pipeline, Inc. in the amount of \$111,037.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$111,037.50 be accepted and the execution of a contract by the City's designated officials be authorized.

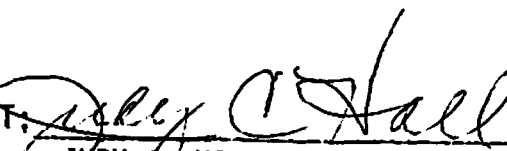
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

A RESOLUTION ACCEPTING THE BID OF DON MILNER, INC. FOR THE 1989 CAPE SEALS

WHEREAS, Resolution No. 89-797 , adopted by the Council of the City of Modesto on August 1, 1989 , approved the plans and specifications for the 1989 cape seals

and authorized the calling for bids; and

WHEREAS, the bids received for the 1989 cape seals

were opened at 11:10 a.m. on August 15, 1989 , 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 Don Milner, Inc. in the amount of \$241,064.12

be accepted as the lowest responsible bid.

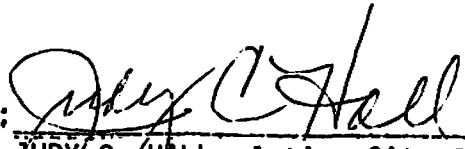
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Don Milner, Inc. in the amount of \$241,064.12 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September , 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-892

A RESOLUTION ACCEPTING THE BID OF DON MILNER, INC. FOR THE CHIP SEALING OF THE 9TH STREET BRIDGE

WHEREAS, Resolution No. 89-779 , adopted by the Council of the City of Modesto on July 25, 1989 , approved the plans and specifications for the chip sealing of the 9th Street bridge

and authorized the calling for bids; and

WHEREAS, the bids received for the chip sealing of the 9th Street bridge

were opened at 11:05 a.m. on August 15, 1989 , 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 Don Milner, Inc. in the amount of \$75,607.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Don Milner, Inc. in the amount of \$75,607.50 be accepted and the execution of a contract by the City's designated officials be authorized.

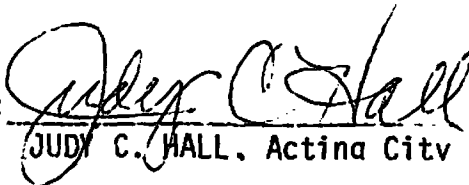
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September , 1989 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-893

A RESOLUTION ACCEPTING THE MODESTO CENTRE PLAZA HANDICAP MODIFICATIONS  
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the Modesto Centre Plaza handicap modifications

has been completed by Howell Construction  
in accordance with the contract agreement dated June 27, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Modesto Centre Plaza  
handicap modifications

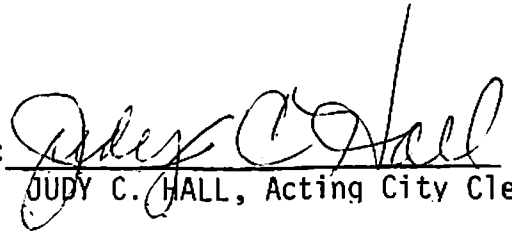
be accepted from said contractor, Howell Construction ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$15,066 as provided  
in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 5th day of September,  
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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-894

A RESOLUTION ACCEPTING THE RESURFACING OF REVARD PARK BASKETBALL COURT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the resurfacing of Revard Park basketball court

has been completed by Morrow & Waggoner, Inc.

in accordance with the contract agreement dated April 25, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the resurfacing of Revard Park basketball court

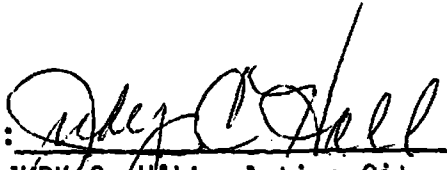
be accepted from said contractor, Morrow & Waggoner, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$19,800 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-895

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE WATER QUALITY CONTROL PLANT EXPANSION, UNITS 2 AND 3 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the construction of the Water Quality Control Plant Expansion, Units 2 and 3 Project has been completed by Homer J. Olsen, Inc. in accordance with the contract agreement dated March 19, 1985 .

NOW, THEREFORE, BE IT RESOLVED that the construction of the Water Quality Control Plant Expansion, Units 2 and 3 Project

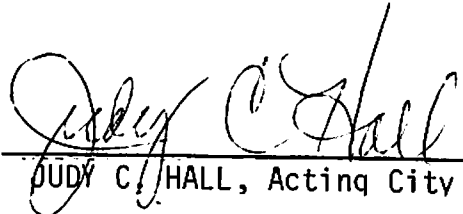
be accepted from said contractor, Homer J. Olsen, Inc. ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$37,510,098.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 89, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-896

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN AIR CONDITIONING MOTOR FROM AMERICAN CHILLER SERVICE COMPANY FOR THE CENTRE PLAZA

WHEREAS, the motor that drives the main air conditioner for the Centre Plaza has burned out, and without this motor, the ventilating and air conditioning system at the Centre Plaza will not function; and

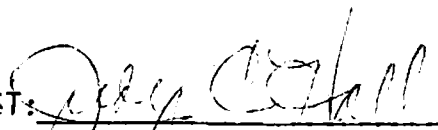
WHEREAS, vendors were contacted with American Chiller Service Company submitting the low bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase and installation of an air conditioning motor for the Centre Plaza is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of an air conditioning motor from American Chiller Service Company for the Centre Plaza, and in the amount of \$29,097, 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 September, 1989, 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:	Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-897

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING PAYMENT TO HI-TECH  
EMERGENCY VEHICLE SERVICE FOR FIRE ENGINE REPAIR SERVICE

WHEREAS, Fire Engine #23 received tank, body, and other damages recently while in service and required emergency repair; and

WHEREAS, Hi-Tech Emergency Vehicle Service in Oakdale is the sole source vendor for this type of repair work in Northern California.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of fire engine repair service is hereby waived.

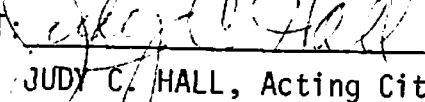
BE IT FURTHER RESOLVED that payment to Hi-Tech Emergency Vehicle Service for fire engine repair service for the total cost of \$20,824, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-898

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA DEPARTMENT OF MOTOR VEHICLES RELATING TO CERTIFICATES OF TRAINING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO SIMILAR AGREEMENTS WITH THE DEPARTMENT OF MOTOR VEHICLES HEREAFTER ON AN ANNUAL BASIS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and California Department of Motor Vehicles relating to Certificates of Training, and authorizing the City Manager to enter into similar agreements with the Department of Motor Vehicles hereafter on an annual basis

be, and it is hereby approved.

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

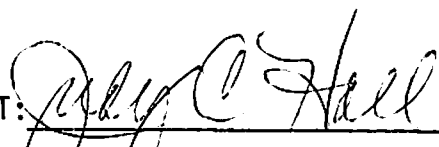
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-899

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES E. AND SUSANN A. COLEMAN FOR THE LEASE OF A PORTION OF THE FORMER HUBERT SCOTT HOUSE ON THE DRY CREEK PARK PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and James E. and Susann A. Coleman for the lease of a portion of the former Hubert Scott House on the Dry Creek Park property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September , 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-900

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES E. AND SUSANN A. COLEMAN FOR THE LEASE OF THE BOTTOM LAND AREAS OF THE FORMER HUBERT SCOTT PROPERTY AND BOMBERGER PROPERTY IN 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 James E. and Susann A. Coleman for the lease of the bottom land areas of the former Hubert Scott property and Bomberger property in Dry Creek Park, for use as pasture be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-901

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAILWOOD, INC.  
FOR CONTINUED USE OF A PORTION OF THE HAILWOOD RANCH AND OPERATION OF THE CITY'S  
WASTEWATER IRRIGATION SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Hailwood, Inc. for continued use of  
a portion of the Hailwood Ranch

be, and it is hereby approved.

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

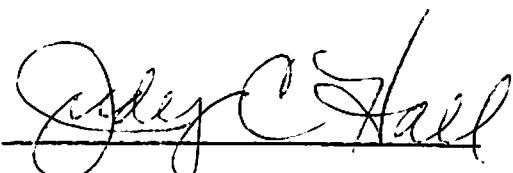
The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 5th day of September, 1989, by  
Councilmember Lang , who moved its adoption, which motion being duly  
seconded by Councilmember Irizarry , was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-902

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY SHIRLENE ROBINSON AND GEORGIA P. CHAPMAN FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 3833 OAKDALE ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Mary Shirlene Robinson and Georgia P. Chapman for water service to property outside City limits at 3833 Oakdale Road between Floyd and Sylvan 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 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-903

A RESOLUTION APPROVING THE FINAL MAP OF THE NARAGHI LAKES  
NO. 8 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, U. S. BY-PRODUCTS, INC., a California corporation; and  
HASHEM NARAGHI, an unmarried man, are possessed of a tract of land situate in  
the City of Modesto, County of Stanislaus, consisting of 17.685 acres, known  
as the Naraghi Lakes No. 8 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission 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 Naraghi Lakes No. 8 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.

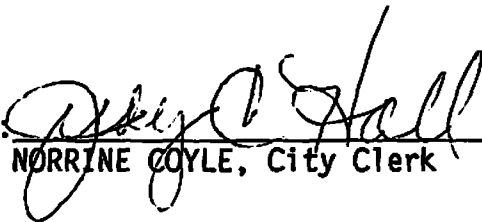
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton, Mayor Whiteside

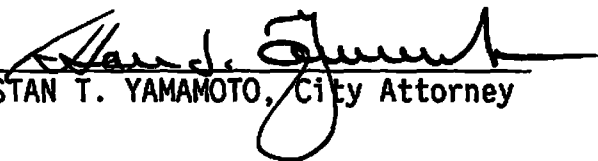
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO.89-904

A RESOLUTION ACCEPTING \$422,000 IN FUNDING UNDER THE CALIFORNIA COASTAL, WILDLIFE AND PARK LAND CONSERVATION BOND ACT OF 1988, PER CAPITA PROGRAM, FOR THE PHASE I DEVELOPMENT OF FLOYD #2 NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE PROJECT AGREEMENT.

WHEREAS, in January, 1989, the City of Modesto submitted a grant application to the State of California Department of Parks and Recreation under the Per Capita Program of the State 1988 Bond Act for consideration for funding during Fiscal Year 1989-90, and

WHEREAS, the City of Modesto has received notification that its grant application for the Phase I Development of Floyd #2 Neighborhood Park has been approved,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept the California Coastal, Wildlife and Park Land Conservation Bond Act of 1988 grant funds in the amount of \$422,000 for the Phase I Development of Floyd #2 Neighborhood Park.

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

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

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. 89-905

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO DECREASING ESTIMATED REVENUE AND THE ASSOCIATED APPROPRIATION IN ACCORDANCE WITH GRANT ACCEPTANCE.

WHEREAS, anticipated grant funds for Floyd #2 Neighborhood Park were initially budgeted during the 1989-90 Capital Improvement Program at an estimated amount of \$436,000, and

WHEREAS, an appropriation in the amount of \$505,000 was allocated for Floyd #2 Neighborhood Park in the 1989-90 Capital Improvement Program. \$436,00 was to be provided by a State Grant, budgeted in fund 170, and \$69,000 was to be provided by fund 140, and

WHEREAS, the actual grant amount awarded for Floyd #2 Neighborhood Park was \$422,000, and

WHEREAS, the appropriation and estimated revenue both need to be reduced by \$14,000,

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>		
135/310/G875/6000	Floyd #2 Neighborhood Park	\$(14,000)
170/700/7000/7135	Transfer out to Fund 135	(14,000)
<u>Revenues</u>		
170/510/9510/3134	State Grant-Parks & Recreation	(14,000)
135/700/7000/9170	Transfer in from Fund 170	(14,000)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 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, McGrath, Muratore, Sutton,  
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. 89-906

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE TRAIL GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 FOR THE DRY CREEK PARK TRAIL 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 acquiring and/or developing facilities for public recreational and open space purposes, and

WHEREAS, the State Department of Parks and Recreation 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 Parks and Recreation require the applicant to certify by resolution the approval of the application before submission of said application to the state, and

WHEREAS, said application contains assurances that the applicant must comply with, and

WHEREAS, the applicant will enter into an agreement with the State of California for acquisition or development of the project,

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

1. Approves the filing of an application for the Trails Grant Program under the California Wildlife, Coastal, and Park Land

Conservation Act of 1988 state grant assistance for the above project, and

2. Certifies that said applicant understands the assurances and certification in the application form, and
3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project, and
4. 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 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 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

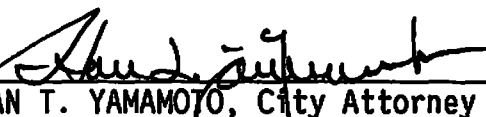
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

082889

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-907

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE MCCLURE COUNTRY PLACE

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 development of a master plan for the McClure Country Place

be, and it is hereby approved.

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

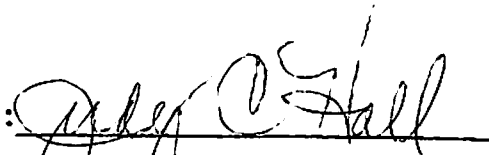
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-908

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE RELOCATION OF AN 8" WATERLINE IN STATE HIGHWAY 132

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for the relocation of an 8" waterline in State Highway 132

be, and it is hereby approved.

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

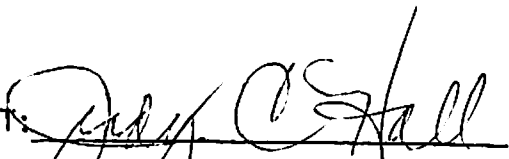
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-909

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNEDY/JENKS/  
CHILTON ENGINEERS ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kennedy/Jenks/Chilton Engineers for an adjustment in overhead costs on the Wastewater Treatment Plant Expansion 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 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-910

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKY TREK AVIATION FUEL, INC. REGARDING THE CONSTRUCTION OF THE UNDERGROUND FUEL FACILITY AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hendley-Sky Trek Aviation Fuel, Inc. regarding the construction of the underground fuel facility 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 5th day of September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.89-911

A RESOLUTION EXPRESSING SUPPORT FOR "THE GREAT COVER-UP", A DAY WHEN VOLUNTEER CITIZENS, MEMBERS OF THE CITY COUNCIL, AND SENATOR DAN MCCORQUODALE WILL JOIN TOGETHER TO PAINT OVER GRAFFITI IN THE CITY OF MODESTO.

WHEREAS, on August 28, 1989, Mayor Whiteside expressed support for the concept of a work project in which local volunteers, members of the City Council, and Senator McCorquodale would join together and paint over graffiti in the City of Modesto, and

WHEREAS, the City of Modesto supports Senator Dan McCorquodale's anti-graffiti programs, and

WHEREAS, the City Council of the City of Modesto wishes to participate with Senator McCorquodale and volunteer citizens in "The Great Cover-Up", a day yet to be determined in late October, when they will paint over graffiti at various locations within the community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby support the "Great Cover-Up", and will join with Senator McCorquodale and local volunteers to paint over graffiti 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 5th day of September, 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, McGrath, Muratore,  
Sutton, 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. 89-912

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOYCE L. CARRILLO FROM THE BOARD OF ZONING ADJUSTMENT, EFFECTIVE SEPTEMBER 5, 1989

WHEREAS, Joyce Carrillo was appointed a member of the Board of Zoning Adjustment on September 7, 1982; and

WHEREAS, Joyce Carrillo has tendered her resignation from the Board of Zoning Adjustment, effective September 5, 1989; and

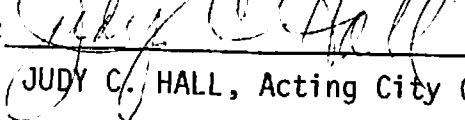
WHEREAS, Joyce Carrillo has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Joyce Carrillo from the Board of Zoning Adjustment 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 Joyce Carrillo 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 5th day of September, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-913

A RESOLUTION APPROVING AN APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM ON BEHALF OF CLAIMANT DAVID L. BLEVINS, RECEIVED IN THE OFFICE OF THE CITY CLERK ON AUGUST 29, 1989

WHEREAS, an application for leave to present late claim on behalf of the claimant, David L. Blevins, against the City of Modesto, was received on August 29, 1989, 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, David L. Blevins, against the City of Modesto, received on August 29, 1989, in the office of the City Clerk, City of Modesto, 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 September, 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, McGrath, Muratore, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-914

A RESOLUTION SUPPORTING HEALTH CARE SERVICES AT SCENIC GENERAL HOSPITAL IN  
STANISLAUS COUNTY

WHEREAS, Counties are required to provide access to health care to all residents of a county regardless of economic status, ethnic origin, race, sex, age, disability or place of residence; and

WHEREAS, the loss of public health care facilities would be a tremendous loss to all county residents because health care at private facilities is not accessible to all; and

WHEREAS, such facilities are generally economically beneficial to the county because a large part of the operating budget is paid in salaries, which is spent locally; and

WHEREAS, many such facilities serve as training sites and have residency programs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto recognizes the need and importance of public health care facilities and supports the Board of Supervisors in their effort to furnish the most cost effective way to provide the same or better level and quality of care as currently available at Scenic General Hospital.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-915

A RESOLUTION VACATING AND ABANDONING A PORTION OF ACHOR COURT WEST OF McHENRY AVENUE AT BLOCK 556 IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 89-832 on August 8, 1989, declaring its intention to vacate and abandon a portion of Achor Court to motorized vehicles, west of McHenry Avenue at Block 556 in the City of Modesto, and

WHEREAS, said portion of Achor Court west of McHenry Avenue at Block 556 in the City of Modesto to be vacated and abandoned is more particularly shown on that certain map entitled, "Vacate And Abandon A Por. Of Achor Court West Of McHenry Ave. At Blk. 556 LD89-C" dated June 29, 1989, which is on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 89-832 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, September 12, 1989, 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 closure be made subject to the conditions contained in Planning Commission Resolution No. 89-96, 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 a portion of Achor Court west of McHenry Avenue at Block 556 in the City of Modesto is unnecessary for present or prospective street purposes, and that the vacation and abandonment is in the public interest, 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 it hereby orders and declares the vacation and abandonment of a portion of Achor Court to motorized vehicles, west of McHenry Avenue at Block 556 in the City of Modesto, as shown on the map entitled, "Vacate And Abandon A Por. Of Achor Court West Of McHenry Ave. At Blk. 556 LD89-C", 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 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 a portion of Achor Court to motorized vehicles, west of McHenry Avenue at Block 556 in the City of Modesto.

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 12 day of September, 1989, 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, McGrath, Muratore, Patterson, Sutton, 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. Christman*  
Public Works and Transportation Department  
Engineering Division

VACATE AND ABANDON A PORTION OF ACHOR COURT WEST OF MCHENRY AVENUE AT BLOCK 556

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the Southeastern line of 37.00 foot Achor Court with the Western line of 80.00 foot McHenry Avenue; thence along said Southeastern line of Achor Court, South  $80^{\circ}19'$  West, 134.95 feet, to the Northeastern corner of property conveyed to Robert C. Seymour, et ux, by deed recorded July 29, 1986, as Instrument 006652, Stanislaus County Records; thence continuing South  $80^{\circ}19'$  West, 3.00 feet; thence North  $11^{\circ}33'56''$  West, 37.02 feet, to a point on the Northwesternly line of said 37.00 foot Achor Court, said point being North  $80^{\circ}19'$  East, 7.00 feet from the Southeastern corner of property conveyed to Patrick D. Dodd, et ux, by deed recorded March 16, 1988, as Instrument 016330, Stanislaus County Records; thence along said Northwesternly line of Achor Court, North  $80^{\circ}19''$  East, 147.64 feet, to its intersection with the Western line of McHenry Avenue; thence along the Southerly extension of the Western line of McHenry Avenue, South  $3^{\circ}12'56''$  West, 37.96 feet, to the point of beginning.

Reserving all of the above as a Public Utility Easement.

Block

120' M.I.D. LAT.

70'

40'

40'

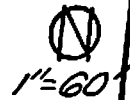
Block

618

No. 4

Sec. Cor  
20/29  
21/28

Block



1"=60'

Block

PATRICK D. DODD,  
ET UX  
REC. 3-16-88  
INSTR. 016330

ACHOR CT.

ROBERT C. SEYMOUR, ET UX  
REC. 7-29-86  
INSTR. 006652

ADAM AVE.  
45'  
37'  
45'

N 80°19'E 147.64'  
N 11°39'56"W 37.02'  
S 80°19'W 137.95'  
P.O.B.

556-6

556

40'

87

Section Line

40' 10' 30'

40'

10' 30'

30'

MAYNELL AVE.

30'

McHENRY

20'

558

RECOMMENDED BY:

Revisions

DATE

BY

Changed Western Boundary

8-30-89

J.L.C.

Changed Western Boundary

3-7-90

J.L.C.

CITY OF MODESTO  
PUBLIC WORKS—TRANSPORTATION

EDWARD J. WALKER, DIRECTOR  
R.E. 13836

By JERRY H. BUTLER, Deputy

DATE: June 29, 1989  
DRAWN: J. Christiansen  
CHECKED:

VACATE AND ABANDON  
A POR. OF ACHOR COURT  
WEST OF MCHENRY AVE.  
AT BLK. 556~LD89-C

FLD. BK. & PG.

W. O. NO.

FILE NUMBER

4-A-728

LD 89-C  
Parcel 556-6

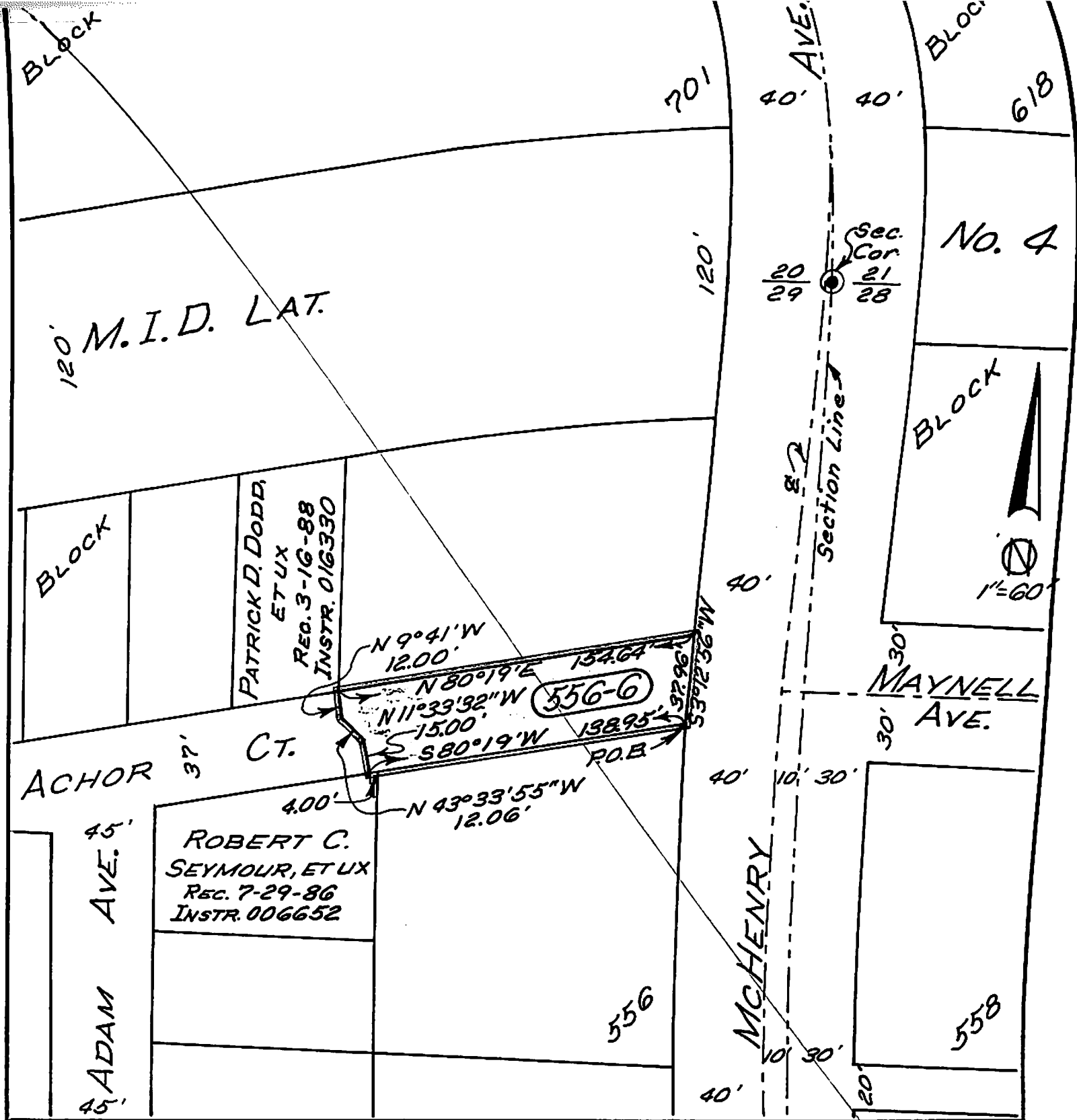
VACATE AND ABANDON A PORTION OF ACHOR COURT WEST OF MCHENRY AVENUE AT BLOCK 556

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the Southeastern line of 37.00 foot Achor Court with the Western line of 80.00 foot McHenry Avenue; thence along said Southeastern line of Achor Court, South 80°19' West, 138.95 feet, to a point which is South 80°19' West, 4.00 feet, from the Northeastern corner of property conveyed to Robert C. Seymour, et ux, by deed recorded July 29, 1986, as Instrument 006652, Stanislaus County Records; thence North 11°33'32" West, 15.00 feet; thence North 43°33'55" West, 12.06 feet; thence North 9°41' West, 12.00 feet, to a point on the Northwesternly line of 37.00 foot Achor Court and the Southeastern corner of property conveyed to Patrick D. Dodd, et ux, by deed recorded March 16, 1988, as Instrument 016330, Stanislaus County Records; thence along said Northwesternly line of Achor Court, North 80°19" East, 154.64 feet, to its intersection with the Western line of McHenry Avenue; thence along the Southerly extension of the Western line of McHenry Avenue, South 3°12'56" West, 37.96 feet, to the point of beginning.

Reserving all of the above as a Public Utility Easement.

57PL2-27



RECOMMENDED BY:		Revisions	DATE	BY
		Changed Western Boundary	8-30-89	J.L.C.
CITY OF MODESTO PUBLIC WORKS-TRANSPORTATION		VACATE AND ABANDON A POR. OF ACHOR COURT WEST OF MCHENRY AVE. AT BLK. 556~LD89-C	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	DRAWN	CHECKED	4~A~728	
June 29, 1989	J. Christiansen			

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-916

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(465). (MIKE FANT)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Mike Fant on May 15, 1989, to reclassify from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(465), to allow an eleven-unit, single-family development, property located on the north side of East Fairmont Avenue, west of M.I.D. Lateral No. 4, described as follows:

A portion of Lot 15 of the Fairmont Tract, as recorded in Volume 6 of Maps, at page 12, Section 21, Township 3 South, Range 9 East, M.D.B.M., more closely described as follows:

Parcel "B" as shown on the parcel map recorded in Volume 19 of Parcel Maps at page 10, Stanislaus County Records.

Including also the south one-half of Corson Avenue, the east one-half of Melrose Avenue, the north one-half of Fairmont Avenue, and the northwest one-half of the M.I.D. Lateral No. 4 right-of-way which adjoins the above-described property.

and

WHEREAS, after a public hearing held on July 10, 1989, which was continued to August 7, 1989, and continued again to August 14, 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. 89-99 that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed zone change is in accordance with community objectives as set forth in the General Plan, which provides for a variety of housing types in all neighborhoods.
2. The density of the proposed eleven single-family homes on the 1.49 acre property falls within the R-1 density limitations called for in the General Plan.

3. The proposed development is compatible with the surrounding areas, providing privacy to adjoining properties, adequate guest parking, common landscaping, and security gates to prohibit through traffic.

and

WHEREAS, after a public hearing held on September 12, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mike Fant 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. 89-99 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2680-C.S. on the 12th day of September, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(465).

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(465), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Fairmont Court" as amended in red, stamped approved by the Planning Commission on July 10, 1989.
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. Six-foot decorative masonry wall adjoining the M.I.D. right-of-way.
  - b. Seven-foot double sided wood, stucco, or masonry wall or fence around all rear patios. Masonry pilasters shall be included around the periphery. Front yard fences shall be no higher than six feet.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.
6. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
7. 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. Trash cans shall be screened from view from any public street.
10. 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.
11. All signs shall comply with the sign requirements of the R-1 Zone.
12. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
13. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a Homeowners Association to guarantee common facility and private property maintenance in accordance with the approved plans.
14. 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.
15. Prior to issuance of a Building Permit or recordation of a final map, the applicant shall obtain approval of the design and function

of security gates at both entrances by the Planning and Community Development Director and Fire Chief respectively. These gates shall be maintained under the supervision of the Fire Chief.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D(465):

The entire construction program shall be accomplished in one phase, construction to begin on or before August 14, 1991, and completion to be not later than August 14, 1992.

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(465) 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 September, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-917

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 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(465). (MIKE FANT)

WHEREAS, on September 12, 1989, the City Council introduced Ordinance No. 2680-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(465), property located on the north side of Fairmont Avenue, west of M.I.D. Lateral No. 4, 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 Planned Development Zone, P-D(465), property located on the north side of Fairmont Avenue, west of M.I.D. Lateral No. 4.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of September, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-918

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF THE MODESTO VERDE BLOCK WALL

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

SECTION 1. The plans and specifications for the construction of the Modesto Verde block wall

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 28, 1989, at 11:15 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 September, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-919

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF MELLIS PARK SHADE STRUCTURE

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

SECTION 1. The plans and specifications for the construction of  
Mellis Park shade structure

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 5, 1989, 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 12th day of September, 1989,  
by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER & MINENI CONSTRUCTION FOR THE  
MANCINI BOWL BLEACHER REPLACEMENT

WHEREAS, Resolution No. 89-924 , adopted by the Council of the City of Modesto on August 8, 1989 , approved the plans and specifications for the Mancini Bowl bleacher replacement

and authorized the calling for bids; and

WHEREAS, the bids received for the Mancini Bowl bleacher replacement were opened at 11:05 a.m. on August 29, 1989 , 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 Scrimsher & Mineni Construction in the amount of \$112,996.24 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher & Mineni Construction in the amount of \$112,996.24 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 12th day of September , 1989 , by Councilmember Sutton , 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
MARJORIE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER & MINENI CONSTRUCTION FOR THE  
MANCINI BOWL BLEACHER REMOVAL AND CONCRETE REPAIR

WHEREAS, Resolution No. 89-823, adopted by the Council of the City of Modesto on August 8, 1989, approved the plans and specifications for the Mancini Bowl bleacher removal and concrete repair

and authorized the calling for bids; and

WHEREAS, the bids received for the Mancini Bowl bleacher removal and concrete repair

were opened at 11:00 a.m. on August 29, 1989, 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 Scrimsher & Mineni Construction in the amount of \$17,500

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher & Mineni Construction in the amount of \$17,500 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 12th day of September, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Marvin Cogh*  
MODERATOR CITY, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-922

A RESOLUTION APPROVING AN AMENDMENT TO THE McHENRY MANSION PORTION OF THE MASTER PLAN FOR CULTURAL ACTIVITIES AND HISTORICAL BUILDINGS TO CHANGE THE USE OF THE SECOND FLOOR OF THE MANSION.

WHEREAS, on December 13, 1983, the City Council of the City of Modesto, by motion, approved a Master Plan for Cultural Activities and Historical Buildings, which included the Master Plan for the McHenry Mansion, hereinafter referred to as the "Master Plan", and

WHEREAS, page 22 of the Master Plan states in part that "We recognize that some of our recommendations might need to be modified at a later date if additional information regarding codes or the structural condition of the building make changes necessary", and

WHEREAS, the existing McHenry Mansion Master Plan designates uses of the second floor of the Mansion to include a small dining room, an art gallery, two adjoining rooms for meetings and receptions, and an office for the docents as shown on the floor plan accompanying the Master Plan, and

WHEREAS, more recently City staff has recommended that the designated uses on the second floor be changed to reflect a child's bedroom, and a bedroom and an adjoining sitting room of Oramil McHenry's period (1896-1906), and

WHEREAS, said recommendations were discussed by the Acquisition, Public Use and Executive Committees of the McHenry Mansion Foundation, and

WHEREAS, on July 24, 1989, the Culture Commission reviewed, approved and recommended that the City Council approve modifications to the McHenry Mansion use plan for the second floor as follows:

1. Eliminate the proposed dining room and meeting rooms on the second floor and restore them to reflect a child's bedroom and a bedroom and an adjoining sitting room of Oramil McHenry's period (1896-1906).
2. Use the space designated as an art gallery for long-term exhibits relating to the McHenry family, the restoration and 19th Century topics, and to use the basement area for art exhibits.
3. Designate the remaining room as a docents' office, and

WHEREAS, the Council of the City of Modesto desires to amend the provisions of the Master Plan relating to the McHenry Mansion as recommended by City staff, the Acquisition, Public Use and Executive Committees of the McHenry Mansion Foundation, and the Culture Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that that portion of the Master Plan, pages 20-21, relating to the second floor of the McHenry Mansion, is hereby amended to read as follows:

"SECOND FLOOR - All rooms on this floor to be restored as follows:

1. A child's bedroom of Oramil McHenry's period (1896-1906).
2. A bedroom and adjoining sitting room of Oramil McHenry's period (1896-1906).
3. A bedroom of Robert McHenry's period (1883-1896).
4. An exhibit space for long-term exhibits on the restoration, the McHenry family or other 19th Century topics.
5. A room to be used by the docents as an office."

BE IT FURTHER RESOLVED that all other provisions of that portion of the McHenry Mansion Master Plan not amended by 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 12th day of September, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton,  
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. 89-923

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RULE ENTERPRISES, INC. FOR SEWER SERVICE TO FLEUR DE VILLE SUBDIVISION LOCATED OUTSIDE THE ULTIMATE SEWER SERVICE AREA

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Rule Enterprises, Inc. for sewer service to Fleur de Ville Subdivision, located outside the ultimate sewer service area at the northwest corner of Pelandale Avenue and Dale 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 12th day of September, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-924

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,000 FROM CONTINGENCY RESERVE FOR RELOCATION OF RISK MANAGEMENT AND BUILDING INSPECTORS' OFFICES**

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

FROM:	Contingency Reserves	\$12,000
TO:	R & M outside	9,400
	Materials and Supplies	2,600

Funds are needed for relocating Risk Management to the Court Floor of City Hall and the Building Inspectors to the second floor of the Annex. Expenses will include installation of walls, carpeting, and making electrical and phone adjustments.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1989, by Councilmember Sutton, 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, Lanq, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-925

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPEAL OF RUSSELL A. HARRISON TO A PLANNING COMMISSION DECISION CONCERNING AN APPLICATION OF TERRY CARSON TO REZONE FROM R-1 TO P-D, PROPERTY LOCATED ON THE NORTH SIDE OF WOODLAND AVENUE AT SHASTA AVENUE, AND A VESTING TENTATIVE SUBDIVISION MAP OF WOODLAND WOODS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that September 26, 1989, 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 appeal of Russell A. Harrison to a Planning Commission decision concerning an application of Terry Carson to rezone from R-1 to P-D, property located on the north side of Woodland Avenue at Shasta Avenue, and a vesting tentative subdivision map of Woodland Woods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1989, by Councilmember Sutton, 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, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-926

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$10,000.00  
GIFT TO THE CITY OF MODESTO BY THE ESTATE OF FERNANDA IOLA  
TAYLOR.

WHEREAS, the Estate of Fernanda Iola Taylor has conveyed a gift in  
the sum of \$10,000.00 to the City of Modesto, and

WHEREAS, said gift is contingent upon the City agreeing, by  
ordinance or resolution, that the funds will be allocated to the Senior  
Citizens Center without reduction in the budgetary allocation of funds to the  
Senior Citizens Center, and

WHEREAS, the City of Modesto agrees that said funds should be  
allocated to the Senior Citizens Center without reduction in the budgetary  
allocation of funds to the Senior Citizens Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that a gift from the Estate of Fernanda Iola Taylor in the sum of \$10,000.00  
be and hereby is accepted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that  
said funds shall be allocated to the Senior Citizens Center without reduction  
in the budgetary allocation of funds to the Senior Citizens Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of September, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-927

A RESOLUTION RELATING TO THE AMENDMENT OF PLANNED DEVELOPMENT ZONE, P-D(419), TO ADD A TRAVEL AGENCY AS A USE IN SAID P-D, AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO SAID AMENDMENT. (RESOURCE DEVELOPMENT, INC.)

WHEREAS, Planned Development Zone, P-D(419), was approved by the City Council by Ordinance No. 2515-C.S., which became effective on July 2, 1989, to allow commercial development with Neighborhood Commercial Zone, C-1, uses on the west portion and office development with Professional Office Zone, P-O, uses on the east portion of property located on the south side of Standiford Avenue, east of Prescott Road, and

WHEREAS, Modesto City Council Resolution No. 87-411 approved the Development Plan for Planned Development Zone, P-D(419), subject to certain conditions of approval contained therein, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(419), was filed by Resource Development on June 30, 1989, to allow retention of a travel agency, a C-1 Zone use established in the east portion of Planned Development Zone, P-D(419) reserved for P-O Zone uses, and

WHEREAS, after a public hearing held on August 21, 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. 89-105, that amendment of Planned Development Zone, P-D(419), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The error in the establishment of the travel agency was compounded by the City's issuance of a sign permit for this business at its current location.

2. The travel agency will remain indefinitely, but at such time as the use ceases, all future use of the premises will conform to the prevailing Code limitations of the P-0 Zone.

WHEREAS, by Resolution No. 89-105 the Planning Commission recommended to the City Council that Planned Development Zone, P-D(419), be amended to allow a travel agency to continue indefinitely to occupy Parcel 2 in Planned Development Zone, P-D(419), in addition to all P-0 Zone uses, subject to the conditions prevailing and subject also to the condition that at such time as the travel agency use is discontinued, all future use of Parcel 2 will be limited to P-0 Zone uses, and

WHEREAS, said matter was set for a public hearing before the City Council 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 September 19, 1989, and

WHEREAS, after said public hearing held on September 19, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Resource Development, Inc. for an amendment to Planned Development Zone, P-D(419), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-105 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2681-C.S. on the 19th day of September, 1989, amending Section 2 of Ordinance No. 2515-C.S., to allow the existing travel agency to continue to occupy Parcel 2 in Planned Development Zone, P-D(419), 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 said amendment to Planned Development Zone, P-D(419) is approved to allow the existing travel agency to continue to occupy Parcel 2 in Planned Development Zone, P-D(419), in addition to all P-O Zone uses, subject to the conditions prevailing and subject also to the condition that at such time as the travel agency use is discontinued, all future use of Parcel 2 will be limited to P-O Zone uses.

BE IT FURTHER RESOLVED that all other conditions of Resolution No. 87-411 not in conflict with this resolution shall remain in full force and effect.

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1989, by Councilmember Sutton, who moved its 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, Sutton,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-928

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE WATERLINE EXTENSION ON SISK AND PELANDALE

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

SECTION 1. The plans and specifications for the waterline extension on  
Sisk and Pelandale

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 12, 1989, 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Nurrine Coyle  
NURRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-929

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING POLYETHYLENE TREE POTS

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

SECTION 1. The plans and specifications for furnishing polyethylene tree pots

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 9, 1989, 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-930

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING DOUGLAS FIR PRESSURE TREATED TREE STAKES

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

SECTION 1. The plans and specifications for furnishing Douglas fir pressure treated tree stakes

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 9, 1989, 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Nurrine Coyle  
NURRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-931

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING FILL DIRT

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

SECTION 1. The plans and specifications for furnishing fill dirt  
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 9, 1989, at 11:15 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-932

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TRAFFIC SIGNAL REPAIR PARTS

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

SECTION 1. The plans and specifications for furnishing traffic signal  
repair parts

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 9, 1989, at 11:10 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE 1989 RESIDENTIAL ALLEY PAVING PROJECT NO. 15

WHEREAS, Resolution No. 89-843 , adopted by the Council of the City of Modesto on August 15, 1989 , approved the plans and specifications for the 1989 residential alley paving Project No. 15

and authorized the calling for bids; and

WHEREAS, the bids received for the 1989 residential alley paving Project No. 15

were opened at 11:00 a.m. on September 7, 1989, 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 George Reed, Inc. in the amount of \$138,888 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 \$138,888 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Marianne Cole*  
MARIANNE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-934

A RESOLUTION ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS  
OF WASTE DISCHARGE PERMITS AND RESCINDING RESOLUTION  
NO. 86-902.

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,

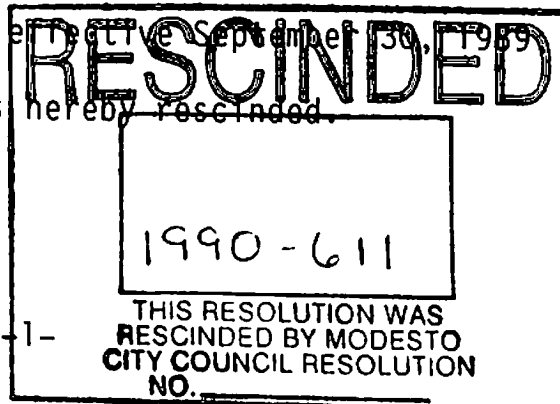
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that wastewater permit violation fines are hereby established as follows:

1. Administrative fine in the amount of \$1050.00 for  
each violation.
2. Processing fine in the amount of:
  - \$493.90 per million gallons of flow in excess of  
permit allocation.
  - \$58.42 per 1,000 pounds of Biochemical Oxygen  
Demand (BOD) in excess of permit allocation.
  - \$43.43 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 October 1, 1989.

BE IT FURTHER RESOLVED that Resolution  
No. 86-902 adopted on July 22, 1986 is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-935

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM FOR WESSON RANCH NEIGHBORHOOD PARK DEVELOPMENT.

WHEREAS, the Legislature of the State of California has enacted the Roberti-Z'berg-Harris Urban Open Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreation needs, and,

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the State, and

WHEREAS, said applications contain a certification that the applicant will comply with all federal, state, and local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws, and regulations prior to the expenditure of the grant funds, and

WHEREAS, the project(s) applied for under this program must be of a high priority and satisfy the most urgent park and recreation needs, with emphasis on unmet needs in the most heavily populated areas,

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

1. Approves the filing of an application for funding under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program; and,

2. Certifies that said agency understands the general provisions of the agreement; and,

3. Certifies that said agency has or will have sufficient funds to operate and maintain the project(s) funded under this program; and,

4. Certifies that said agency has or will have available, prior to commencement of any work on the project(s) included in this application, the required match; and,

5. Certifies that the project(s) included in this application conform to the recreation element of any applicable city or county general plan; and,

6. Appoints the City Manager as agent of the City of Modesto to conduct all negotiations and execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests, and so on that may be necessary for the completion of the aforementioned project(s); and,

7. Appoints the City Attorney of the City of Modesto as legal counsel for said agency with authorization to sign the certification on Page 1 of the application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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. 89-936

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD FOR REIMBURSEMENT OF CONSTRUCTION COSTS FOR INSTALLATION OF A 10-INCH WATER MAIN ON WHITMORE AND USTICK AVENUES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad for reimbursement of construction costs for installation of a 10-inch water main in California Chardonnay Subdivision on Whitmore and Ustick 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-937

A RESOLUTION VACATING AND ABANDONING A PORTION OF A 13.00-FOOT PUBLIC UTILITY EASEMENT IN COBBLESTONE SUBDIVISION IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

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 on 12 of the lots in Cobblestone Subdivision, being Lots 1 and 12 in Blocks 11171, 11172, 11173, 11174, 11175, and 11176, described in Exhibit "A" attached hereto, which is a 13.00-foot public utility easement, and

WHEREAS, the subdivider has requested the abandonment of the western 3.00-feet of said 13.00-foot public utility easement on said property described above, 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 the western 3.00-feet of a 13.00-foot public utility easement in Cobblestone Subdivision in the City of Modesto, has never been used for public utility 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, the western 3.00-foot portion of the 13.00-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 western 3.00-foot portion of the 13.00-foot public utility easement located on Lots 1 and 12 in Blocks 11171, 11172, 11173, 11174, 11175, and 11176, 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 19 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

LD 89-F  
Parcels 11171-1, 11172-1, 11173-1,  
11174-1, 11175-1 and 11176-1

VACATE AND ABANDON A PORTION OF THE 13.00 FOOT PUBLIC UTILITY EASEMENT IN  
COBBLESTONE SUBDIVISION

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the East half of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of the COBBLESTONE Subdivision, as per map filed June 22, 1988 in Book 33 of Maps, Page 08, Stanislaus County Records, described as follows:

PARCEL 11171-1

Commencing at the Southwestern corner of Lot 1 in Block 11171 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North  $00^{\circ}28'17''$  East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South  $89^{\circ}31'43''$  East, 49.13 feet, to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11171; thence along said last mentioned parallel line, North  $00^{\circ}24'33''$  West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South  $89^{\circ}31'43''$  East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South  $00^{\circ}24'33''$  East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North  $89^{\circ}31'43''$  West, 3.00 feet, to the point of beginning.

PARCEL 11172-1

Commencing at the Southwestern corner of Lot 1 in Block 11172 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North  $00^{\circ}28'17''$  East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South  $89^{\circ}31'43''$  East, 49.13 feet, to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of

tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11172; thence along said last mentioned parallel line, North 00°24'33" West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89°07'10" and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South 89°31'43" East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius at 5.00 feet, a Central Angle of 89°07'10" and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South 00°24'33" East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of 90°52'50" and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North 89°31'43" West, 3.00 feet, to the point of beginning.

PARCEL 11173-1

Commencing at the Southwestern corner of Lot 1 in Block 11173 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North 00°28'17" East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South 89°31'43" East, 49.13 feet, to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of 90°52'50" and an Arc Length of 7.93 feet, to its point of tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11173; thence along said last mentioned parallel line, North 00°24'33" West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89°07'10" and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South 89°31'43" East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of 89°07'10" and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South 00°24'33" East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of 90°52'50" and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North 89°31'43" West, 3.00 feet, to the point of beginning.

PARCEL 11174-1

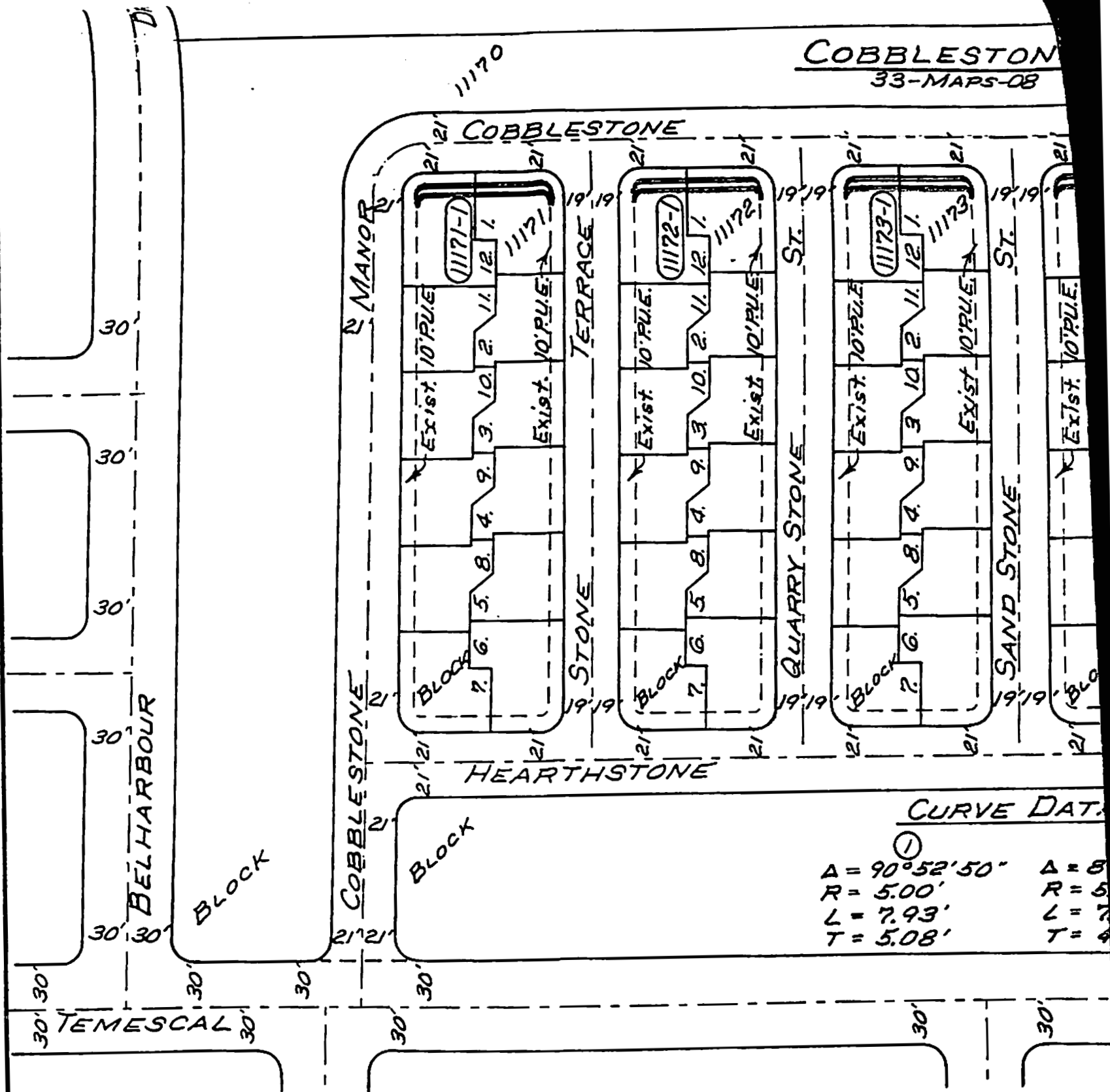
Commencing at the Southwestern corner of Lot 1 in Block 11174 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North 00°28'17" East, 10.00 feet, to a point on a line which is parallel with and

10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South  $89^{\circ}31'43''$  East, 49.13 feet to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11174; thence along said last mentioned parallel line, North  $00^{\circ}24'33''$  West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South  $89^{\circ}31'43''$  East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South  $00^{\circ}24'33''$  East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North  $89^{\circ}31'43''$  West, 3.00 feet, to the point of beginning.

PARCEL 11175-1

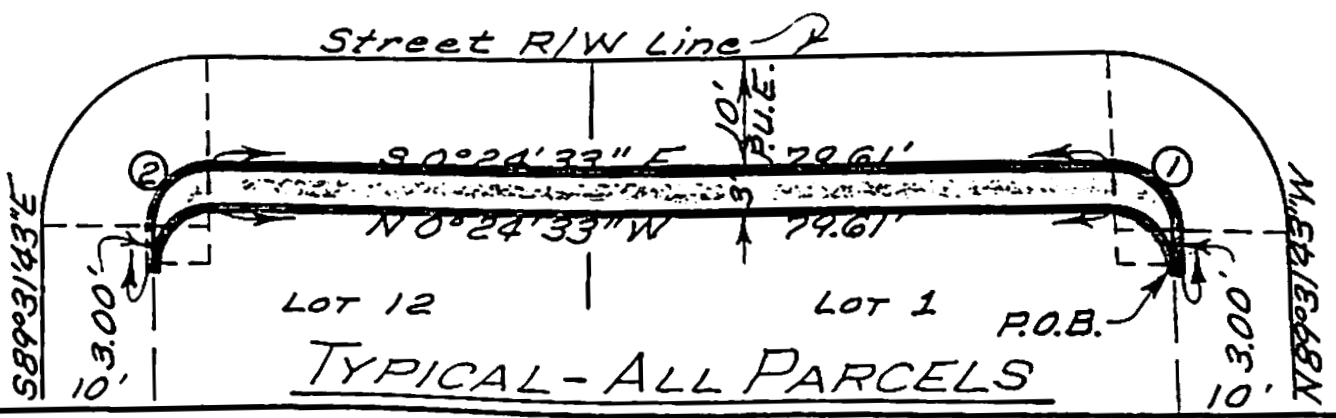
Commencing at the Southwestern corner of Lot 1 in Block 11175 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North  $00^{\circ}28'17''$  East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South  $89^{\circ}31'43''$  East, 49.13 feet, to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11175; thence along said last mentioned parallel line, North  $00^{\circ}24'33''$  West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South  $89^{\circ}31'43''$  East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South  $00^{\circ}24'33''$  East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North  $89^{\circ}31'43''$  West, 3.00 feet, to the point of beginning.

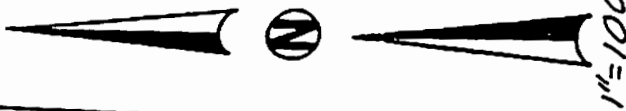
Commencing at the Southwestern corner of Lot 1 in Block 11176 of said Cobblestone Subdivision; thence along a Western line of said Lot 1, North  $00^{\circ}28'17''$  East, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Lot 1; thence along said parallel line, South  $89^{\circ}31'43''$  East, 49.13 feet, to the true point of beginning of this description; thence Northeasterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on a line which is parallel with and 13.00 feet, measured at right angles, Westerly from the Eastern line of Lots 1 and 12 in said Block 11176; thence along said last mentioned parallel line, North  $00^{\circ}24'33''$  West, 79.61 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of said Lot 12; thence along said last mentioned parallel line, South  $89^{\circ}31'43''$  East, 3.00 feet; thence Southeasterly along a tangent curve concave to the Southwest, having a Radius of 5.00 feet, a Central Angle of  $89^{\circ}07'10''$  and an Arc Length of 7.78 feet, to its point of tangency on a line parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of said Lots 1 and 12; thence along said last mentioned parallel line, South  $00^{\circ}24'33''$  East, 79.61 feet; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 5.00 feet, a Central Angle of  $90^{\circ}52'50''$  and an Arc Length of 7.93 feet, to its point of tangency on said first mentioned parallel line 10.00 feet Northerly of the Southern line of Lot 1; thence along said first mentioned parallel line, North  $89^{\circ}31'43''$  West, 3.00 feet to the point of beginning.



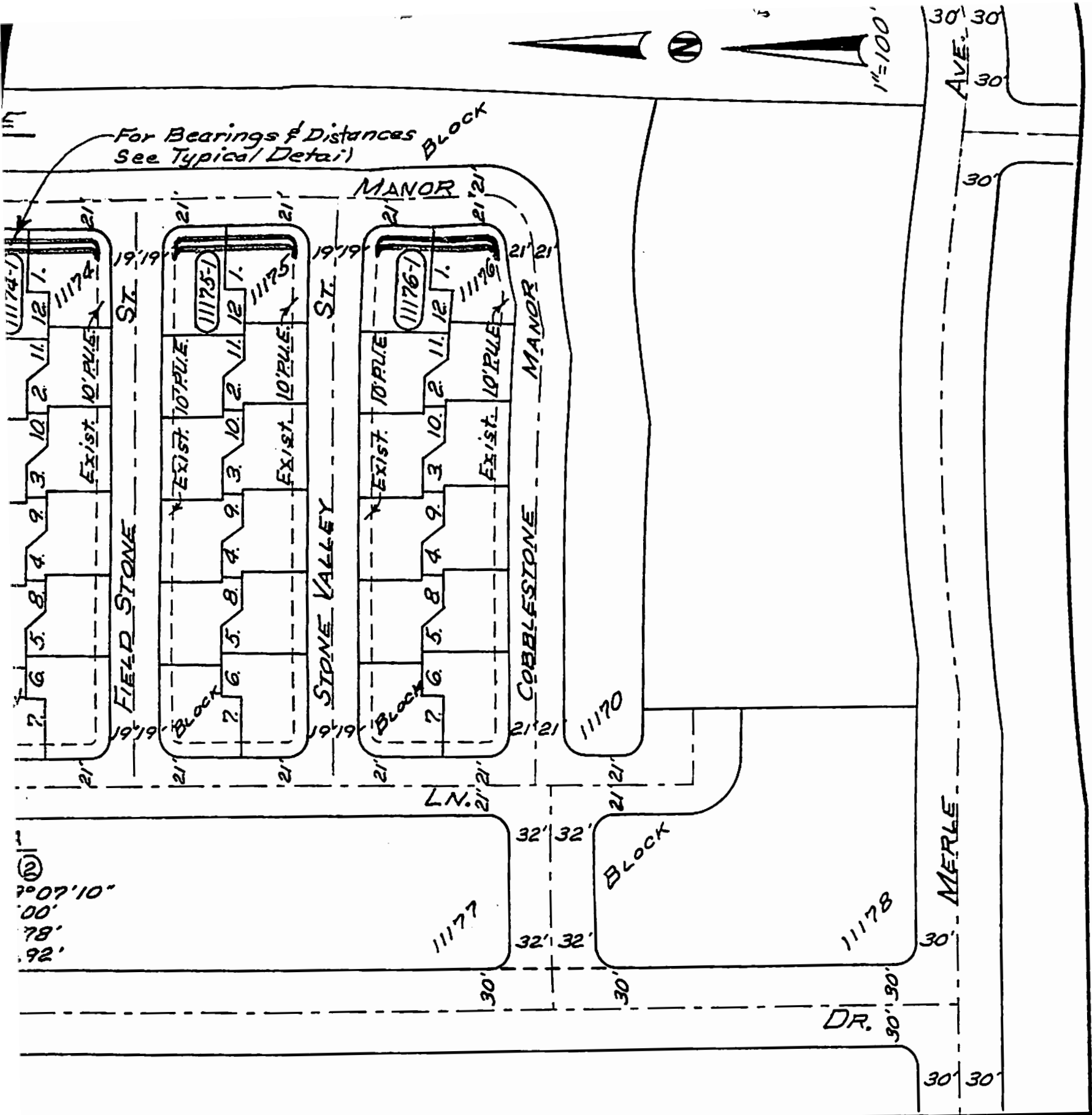
CURVE DATA

①	$\Delta = 90^{\circ}52'50''$	$\Delta = 8$
	$R = 5.00'$	$R = 5$
	$L = 7.93'$	$L = 7$
	$T = 5.08'$	$T = 4$





For Bearings & Distances See Typical Detail



②  
 07'10"  
 00'  
 78'  
 92'

REVISIONS			DATE	BY
CITY OF MODESTO PUBLIC WORKS - TRANSPORTATION				
DIRECTOR EDWARD J. WALKER				
<i>Jerry M. Butler</i> BY JERRY M. BUTLER, Deputy R.E. 13836				
DATE	DRAWN	CHECKED		
Aug., 1989	J. Christiansen			
VACATE AND ABANDON A POR. OF THE 13-FOOT P.U.E. IN COBBLESTONE SUBDIVISION-LD89-F			FLD. BK. & PG.	
			W. O. NO.	
			FILE NUMBER	4-B-233

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-938

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
DESIGNATING A CITY CONSULTANT AS THE AUTHORIZED CITY  
REPRESENTATIVE TO EXAMINE SALES AND USE TAX RECORDS.

WHEREAS, pursuant to California Revenue and Taxation Code Section 7200, et seq., the City of Modesto has adopted a sales and use tax ordinance which imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization along the same and existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes, and

WHEREAS, pursuant to California Revenue and Taxation Code Section 7056, the City of Modesto, by resolution, may designate any officer, employee or any other person to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected for the City, and

WHEREAS, the City of Modesto has entered into an agreement for sales tax audit and information services with the firm of Municipal Resource Consultants, a partnership of John T. Austin, Inc. and Allen W. Charkow, Inc. to designate Municipal Resource Consultants as the authorized Consultant to examine such sales tax records maintained by the Board on behalf of the City of Modesto, and

WHEREAS, all legal prerequisites prior to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follow, to wit:

SECTION 1. In all respects as set forth above, the City Council of the City of Modesto hereby certifies to the State Board of Equalization that Municipal Resource Consultants is the designated representative of the City of Modesto to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected by the Board on behalf of the City of Modesto.

SECTION 2. Pursuant to California Revenue and Taxation Section 7056(b), this Council hereby certifies that Municipal Resource Consultants, a partnership of John T. Austin, Inc. and Allen W. Charkow, Inc. (hereinafter referred to as "Consultant") meets all of the following conditions:

a. Consultant has an existing contract with the City to examine sales tax records;

b. Consultant is required by that contract to disclose information contained in, or derived from, those sales tax records only to an officer or employee of the City who is authorized by resolution to examine the information, a copy of this condition is attached as Exhibit "A";

c. Consultant is prohibited by the contract from performing consulting services for a retailer during the term of the contract; and

d. Consultant is prohibited by the contract from retaining the information contained in, or derived from, those sales tax records after the contracts have expired.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, 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

CERTIFICATION OF CONFIDENTIALITY

Section 7056 of the State of California Revenue and Taxation Code specifically limits the disclosure of confidential taxpayer information contained in the records of the State Board of Equalization. This section specifies the conditions under which a City may authorize persons other than City officers and employees to examine State Sales and Use Tax records.

A. MRC is authorized by this Agreement to examine sales and use tax records of the State Board of Equalization provided to City pursuant to contract under the Bradley-Burns Uniform Sales and Use Tax Law.

B. MRC is required to disclose information contained in, or derived from, those sales and use tax records only to an officer or employee of the City who is authorized by resolution to examine the information.

C. MRC is prohibited from performing consulting services for a retailer during the term of this Agreement.

D. MRC is prohibited from retaining the information contained in, or derived from, those sales and use tax records, after this Agreement has expired.

Information obtained by examination of State Board of Equalization records shall be used only for purposes related to collection of local sales and use tax or for other governmental functions of the City as set forth by resolution adopted pursuant to Section 7056(b) of the Revenue and Taxation Code.

The resolution shall designate MRC as a person authorized to examine sales and use tax records and certify that this Agreement meets the

requirements set forth above and in Section 7056(b)(1) of the Revenue and Taxation Code.

MRC hereby certifies that any and all information utilized in the conduct of work performed is to be utilized only for those purposes authorized by the City and by the Bradley-Burns Uniform Local Sales and Use Tax Law.

I, Norrine Coyle, City Clerk of the City of Modesto, do certify that the foregoing Resolution was introduced at the regular meeting of the City Council of the City of Modesto, held on the 19 day of September, 1989, and was adopted at said meeting by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAINED: Councilmembers:

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-939

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2524 KANSAS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the State of California, for water service to property outside City limits at 2524 Kansas Avenue, located on the south side of Kansas Avenue between Carpenter Road and Rosemore 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 19th 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89- 940

A RESOLUTION WELCOMING FORMER SAN ANTONIO MAYOR, HENRY CISNEROS, TO MODESTO.

WHEREAS, former San Antonio Mayor Henry Cisneros will be in Modesto on Tuesday, September 26, 1989, and

WHEREAS, this distinguished public official has agreed to speak to community leaders about successful economic and redevelopment projects in his home city and across the nation, and

WHEREAS, Mr. Cisneros is nationally known for his expertise in bridging the philosophies of private, public and special interests for the betterment of an entire community, and

WHEREAS, Mr. Cisneros has, in his role as the Past President of the National League of Cities, furthered awareness at the federal level of the needs and concerns of this nation's cities, and

WHEREAS, Mr. Cisneros is considered an outstanding educator, having been a member of the School of Public Administration faculty at the University of Texas since 1974; a member of the Department of Urban Studies faculty at Trinity University; and been the recipient of nine honorary doctoral degrees from different universities, and

WHEREAS, Mr. Cisneros has received numerous local, state and national honors including a White House Fellow; the Harvard Foundation Award for Contributions to American Cities & Politics; the Express News Politician of the Year, 1986; the Jefferson Award from the American Institute of Public Service; City and State Magazine's Mayor of the Year, 1986; and consideration as a vice presidential candidate in 1984;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Modesto welcomes Henry Cisneros to Modesto and gratefully acknowledges his willingness to share his political expertise and educational perspective with the people of the Central Valley of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterosn,  
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Mervin Coyk*

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-941

A RESOLUTION DENYING THE APPEAL FILED BY BARGHAUSEN CONSULTING ENGINEERS ON BEHALF OF ARCO PRODUCTS COMPANY TO A PLANNING COMMISSION DECISION DENYING A REZONING FROM PLANNED DEVELOPMENT ZONE, P-D(442), TO A NEW PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE NORTHWEST CORNER OF CLAUS ROAD AND EAST ORANGEBURG AVENUE, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by ARCO Products, Inc. on February 13, 1989, to reclassify from Planned Development Zone, P-D(442), to a new Planned Development Zone, P-D, property located on the northwest corner of Claus Road and East Orangeburg Avenue, described as follows:

All that certain real property situate in a portion of the northeast quarter of Section 24, Township 3, South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, Being a portion of Lot 1 of the Idaho Colony Map, filed April 27, 1909, in Volume 4 of Maps, Page 21 Stanislaus County Records, described as follows:

All of Parcel 4 as shown on that certain Parcel Map filed October 18, 1971, in Volume 12 of Parcel Maps, Page 91, Stanislaus County Records.

Including also all of the West 50.00 feet of Claus Road and North 30.00 feet of East Orangeburg Avenue immediately adjacent to the above described property.

and

WHEREAS, a public hearing was held by the Planning Commission on August 21, 1989, 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. 89-106, and denied the application of ARCO Products, Inc. to amend Section 23-3-9 of the Zoning Map to reclassify from Planned Development Zone, P-D(442), to a new Planned Development Zone, P-D, property located on the northwest corner of Claus Road and East Orangeburg Avenue, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone from Planned Development Zone, P-D(442), to a new Planned Development Zone, P-D, property located on the northwest corner of Claus Road and East Orangeburg Avenue, was filed with the Office of the City Clerk by Barghausen Consulting Engineers, Inc. on behalf of ARCO Products Company, by letter dated August 22, 1989, 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 September 26, 1988, 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 rezoning of the property from Planned Development Zone, P-D(442), to a new Planned Development Zone, P-D, property located on the northwest corner of Claus Road and East Orangeburg Avenue, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 89-106 and quoted below:

1. The proposed 24-hour convenience market with gas-pump islands constitutes a land-use intrusion that is incompatible with surrounding residential properties, particularly those to the south and west.

2. The proposed 24-hour convenience market with gas pump islands is a high-intensity commercial land-use as compared to the currently permitted mini-storage facility.
3. The proposed 24-hour convenience market should be located at a major/major street intersection where other neighborhood commercial services also are provided.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Barghausen Consulting Engineers, Inc. on behalf of ARCO Products Company to the decision of the Planning Commission denying the request to rezone from Planned Development Zone, P-D(442), to a new Planned Development Zone, P-D, property located on the northwest corner of Claus Road and East Orangeburg Avenue, is denied for the reasons set forth in Planning Commission Resolution No. 89-106 and quoted above, and the decision of the Planning Commission is hereby affirmed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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 *Altham*  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-942

A RESOLUTION DENYING THE APPEAL FILED BY RUSSELL A. HARRISON ON BEHALF OF TERRY CARSON TO A PLANNING COMMISSION DECISION CONCERNING A REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE NORTH SIDE OF WOODLAND AVENUE AT SHASTA AVENUE, DENYING THE APPEAL FOR A VESTING TENTATIVE SUBDIVISION MAP OF WOODLAND WOODS AND CERTIFYING REVIEW OF THE ENVIRONMENTAL ASSESSMENT COMMITTEE.

WHEREAS, a verified application for an amendment to Section 24-3-8 of the Zoning Map was filed by Russell a Harrison on behalf of Terry Carson on August 10, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the north side of Woodland Avenue at Shasta Avenue, and

WHEREAS, an application for a vesting tentative map of the Woodland Woods Subdivision was filed in the office of the Secretary of the Planning Commission on August 10, 1989, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Planning Commission on September 5, 1989, 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 a public hearing was held September 5, 1989, in the City Council Chambers, the Planning Commission was unable to reach a majority vote (four affirmative votes are needed) to approve or deny the amendment request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, and the request for a vesting tentative map, which effected a denial of the applications, and

WHEREAS, an appeal concerning said request to rezone from Low Density Residential Zone, R-1, to Planned Development Zone P-D, property located on the north side of Woodland Avenue at Shasta Avenue, and an appeal concerning the vesting tentative map for Woodland Woods Subdivision was filed with the Office of the City Clerk by Russell a Harrison on behalf of Terry Carson, by letter dated September 6, 1989, 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 September 26, 1988, at 7:30 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal for the requested rezoning of the property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, property located on the north side of Woodland Avenue at Shasta Avenue, and the appeal concerning the vesting tentative map for Woodland Woods Subdivision should be denied for the following reason:

That the project will result in an inferior street pattern that will limit future development of the properties to the east. The properties immediately to the east will be limited to an existing substandard 20-foot wide private drive as access to a public street.

and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal relating to the request to rezone from Low Density Residential

Zone, R-1, to Planned Development Zone, P-D, property located on the north side of Woodland Avenue at Shasta Avenue, and the appeal relating to the vesting tentative map for Woodland Woods Subdivision is denied for the reason set forth above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

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. 89-943

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 26th day of September, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FY 1989/90  
SECTION 9  
PROGRAM OF PROJECTS

Urbanized Area: City of Modesto	Apportionment for FY 1989/90:	\$1,230,840
Designated Recipient: California Department of Transportation	Carryover Funds:	\$ 532,853 <sup>(1)</sup>
Grantee: City of Modesto	Transfer Funds:	-0-
	Total Federal Funds Available:	\$1,763,693

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
I. CAPITAL PROJECTS:			
Replacement buses (5)	\$ 187,750	\$ 751,000	\$ 938,750
II. OPERATING ASSISTANCE for period from 7/1/89 to 6/30/90			
	\$2,137,006	\$1,011,788	\$3,148,794
TOTALS:	\$2,324,756	\$1,762,788	\$4,087,544

(1) The amount of carryover funds does not include funds which have been set aside to cover CA-90-X265 and CA-90 X351.

:

*Exhibit "A"*

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-944

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CONSTRUCTION OF ROSELLE AVENUE CANAL CROSSING

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

SECTION 1. The plans and specifications for the construction of Roselle Avenue canal 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 October 19, 1989, 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 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-945

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING DIGESTER CLEANING SERVICES

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

SECTION 1. The plans and specifications for furnishing digester  
cleaning services

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive  
sealed bids for the above named project, to be opened in the office of the City  
Clerk, 801 11th Street, in the City of Modesto, on October 16, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 26th day of September, 1989,  
by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember McGrath, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-946

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING WASTEWATER FLOW MONITORING EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing wastewater flow monitoring 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 October 16, 1989, 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 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-947

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING SLUDGE REMOVAL SERVICES

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

SECTION 1. The plans and specifications for furnishing sludge removal services

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 16, 1989, at 3:05 p.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 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-948

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING METAL LIGHTING STANDARDS

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

SECTION 1. The plans and specifications for furnishing metal lighting standards

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 16, 1989, at 3:00 p.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 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-949

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO APPROVING A NEW CAPITAL IMPROVEMENT PROJECT.

WHEREAS, it has been determined that a new Capital Improvement Project is needed for traffic control modifications at Beyer High School, and

WHEREAS, funding for the new project is outlined in Resolution No. 89-950,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new Capital Improvement Project be added to the 1989-90 Final Budget.

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 September, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. 89-950

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$199,000 FROM CONTINGENCY RESERVE TO PROVIDE TRAFFIC CONTROL MODIFICATIONS AT BEYER HIGH SCHOOL**

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

FROM:	Special Gas Tax Fund	\$199,000
	Contingency Reserve (070 800 8000 8003)	
TO:	Traffic Control Modification at	\$199,000
	Beyer High School (070 160 P881 6000)	

It is necessary to transfer funds in order to provide traffic control modifications at Beyer High School.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember McGrath, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	Sutton

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-951

A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING THE ANNUAL  
ADJUSTMENT OF CAPITAL FACILITIES FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that October 10, 1989, 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 the annual adjustment  
of Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 26th day of  
September, 1989, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
McGrath, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-952

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR PROPOSED AMENDMENT TO THE GENERAL PLAN MAP TO DELETE AN ELEMENTARY SCHOOL SITE IN THE CHRYSLER-99 NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 10, 1989, 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 delete an elementary school site in the Chrysler-99 Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-953

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A GRANT APPLICATION WITH THE CALIFORNIA TRANSPORTATION COMMISSION FOR STATE TRANSIT CAPITAL IMPROVEMENT PROGRAM FUNDS.

WHEREAS the Transit Capital Improvement Program makes funds available for various major transit facilities and projects, and the Program provides up to 50% of the non-federal share of the cost of the project, and

WHEREAS, the City of Modesto would be eligible to receive a maximum of \$606,043 for the Transportation Center project to assist in financing said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 California Transportation Commission for a \$606,043 grant under the State Transit Capital Improvement Program to assist in financing said project.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is authorized to execute any and all other documents which may be required in relation to this application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Acting Mayor Irizarry

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, 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. 89-954

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH MODESTO CITY SCHOOLS FOR THE ACQUISITION OF THE WEST MAZE SCHOOL AND NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the joint powers agreement between the City of Modesto and Modesto City Schools for the acquisition of the West Maze School and Neighborhood Park site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said joint powers agreement by the designated 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 September, 1989, 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,  
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-955

A RESOLUTION AMENDING THE JOINT POWERS AGREEMENT WITH MODESTO CITY SCHOOLS FOR THE JOHANSEN HIGH SCHOOL AND COMMUNITY PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment of the joint powers agreement with Modesto City Schools for the Johansen High School and Community Park site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended joint powers agreement by the designated 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 September, 1989, 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,  
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Sutton

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-956

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND M.E. GROVER FOR HARVESTING OLIVES FROM CITY-OWNED TREES LOCATED IN MELLIS PARK ON N.MARTIN LUTHER KING DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and M.E. Grover for harvesting olives from City-owned trees located in Mellis Park on N. Martin Luther King 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 26th day of September, 1989, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-957

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FROM CONTINGENCY RESERVE TO PROVIDE CONSULTING SERVICES ON THE DESIGN OF FIRE STATION NO. 1**

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

FROM: Fire Dept. Capital Facilities Fee                   \$25,000  
      Contingency Reserve (132-800-8000-8003)

TO: Consulting Services   \$25,000  
      (132-180-P879-6000)

Funds will provide for consulting services to perform a structural evaluation of Fire Station No. 1 and to determine feasibility of remodeling.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Irizarry, Lang, McGrath, Muratore

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson, Sutton, Mayor Whiteside

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-958

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES ON THE NEW MODESTO 18-HOLE GOLF COURSE CLUBHOUSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates, Inc. for architectural services on the new Modesto 18-hole golf course clubhouse

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-959

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FOR A TEMPORARY LOAN OF \$31,612 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO FINANCE ARCHITECTURAL SERVICES FOR A CLUBHOUSE AT DRY CREEK GOLF COURSE.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an advance from the General Fund (Fund No. 010) to finance architectural services for a clubhouse at Dry Creek Golf Course, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1989-90 to provide an advance of \$31,612 from the General Fund (Fund No. 010) to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$31,612 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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 September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, 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. 89-960

A RESOLUTION ACCEPTING IMPROVEMENTS IN JAED ESTATES SUBDIVISION AND  
AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Turner-Edwards Development, subdividers of  
Jaed Estates Subdivision have filed Irrevocable Commitment of Funds  
for faithful performance and labor and materials in the amount of \$309,700.00  
and \$155,000.00 respectively to guarantee improvements in Jaed Estates  
Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated September 15, 1989,  
indicates that all work required by the subdivision agreement has been completed  
to the satisfaction of the Engineering Department; and

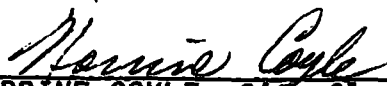
WHEREAS, the Director of Engineering has indicated that it would be in order  
for the City Council to accept the improvements in said subdivision as complete  
and authorize the City Clerk to file notice of completion and release the  
Irrevocable Commitment of Funds upon expiration of the statutory period.

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

1. The improvements in Jaed Estates 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 \$309,700.00 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 \$155,000.00 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 September, 1989, by Council-  
member Lang, who moved its adoption, which motion being duly seconded by  
Councilmember McGrath, was upon roll call carried and the resolution adopted  
by the following vote:

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

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 961

A RESOLUTION APPROVING PAYMENT TO URS CONSULTANTS FOR ADDITIONAL WORK REQUESTED BY THE MODESTO IRRIGATION DISTRICT, THE CITY OF MODESTO, AND DEL ESTE WATER COMPANY RELATING TO THE MID SURFACE WATER STUDY IN THE CITY'S PORTION OF PARTICIPATION IN THE SUM OF \$4,161.15.

WHEREAS, on May 9, 1989, the City Council approved appropriation of \$176,658.00 for the Montgomery pilot plant study, the URS botanical survey, and mobilization costs at the pilot plant site, and

WHEREAS, on the above date, staff indicated to the City Council that an additional appropriation request would be made in the future, and

WHEREAS, the Modesto Irrigation District, the City of Modesto, and Del Este Water Company, hereinafter referred to as the "Technical Committee", have requested that URS Consultants perform work beyond the initial scope of its contract relating to the MID Surface Water Study, however, the additional work requested is not covered by subsequent approved extra work, and

WHEREAS, the additional work requested consists of analyzing several alternative locations for Site A near Modesto Reservoir, conducting three additional public scoping meetings for the EIR process, and conducting three additional public hearings on the draft EIR, and

WHEREAS, consideration of alternative sites is necessary because an initial finding by URS indicated that the plant as originally sited would have had a significant negative visual impact on the nearby recreational facility on that part of the Modesto Reservoir, and the additional public meetings are necessary in order to adequately address the public's concerns and desires during the EIR process, and

WHEREAS, the total cost for these items is the sum of \$11,889.00 and the City's share is the sum of \$4,161.15.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$4,161.15 to URS for the City's portion of its participation in costs incurred for the additional work requested by the Technical Committee relating to the MID Surface Water Study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, 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. 89-962

A RESOLUTION AUTHORIZING THE RETENTION OF OUTSIDE LEGAL COUNSEL, RON FISH, ESQ., TO REPRESENT THE CITY OF MODESTO RELATING TO A PATENT INFRINGEMENT MATTER.

WHEREAS, Section 902 of the Charter of the City of Modesto authorizes the Council to retain or employ other attorneys to take charge of any litigation or legal matters or to assist the City Attorney, and

WHEREAS, on September 1, 1989, a claim was filed by the firm of Tink, Inc., against the City of Modesto claiming patent infringement allegedly pertaining to pincer bucket devices for use on front-end loading equipment, claiming that a similar bucket manufactured by the City's Public Works Department violates patent rights, and

WHEREAS, the City Attorney's Office has been investigating the claim and it appears that the matter will not be resolved without litigation, therefore, it is appropriate for the City to retain the services of an attorney with expertise in patent infringement matters to represent the City in this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that it is necessary to retain or employ outside legal counsel, Ron Fish, Esq., to represent the City in the matter of the claim filed by the firm of Tink, Inc., against the City of Modesto claiming patent infringement allegedly pertaining to pincer bucket devices for use on front-end loading equipment, similar to a bucket manufactured by the City's Public Works Department.

BE IT FURTHER RESOLVED that the City Manager is authorized to approve and execute an agreement with outside legal counsel, Attorney Ron Fish, in accordance with the provisions of this resolution and the City Charter.

BE IT FURTHER RESOLVED that said outside legal counsel is authorized to represent the City of Modesto in said action as determined by the City Attorney 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 26 day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, 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. 89-963

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$20,000 FROM CONTINGENCY RESERVE TO PAY FOR ATTORNEY CONSULTING FEES REGARDING A POSSIBLE PATENT INFRINGEMENT LITIGATION

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

FROM:	Contingency Reserve (800 8000 8003)	\$20,000
TO:	Services, Professional and Other (010 502 6502 0235)	\$20,000

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-964

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DEGROOT FOR LEASE OF THE HAILWOOD RANCH

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hein Hettinga and Amos DeGroot for lease of the Hailwood Ranch

be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-965

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL FROM NORMOYLE & NEWMAN, ON BEHALF OF J.S. WEST COMPANY, TO A DECISION OF THE PLANNING COMMISSION CONCERNING A TENTATIVE PARCEL MAP APPLICATION SUBMITTED BY MODESTO LUMBER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 17, 1989, 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 from Normoyle & Newman, on behalf of J.S. West Company, to a decision of the Planning Commission concerning a tentative parcel map application submitted by Modesto Lumber Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 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, McGrath, Muratore, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Patterson, Sutton

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-966

A RESOLUTION GRANTING THE APPEAL TO ALLOW A SEVEN-FOOT HIGH WALL WITH AN 11-FOOT SETBACK FROM PALMWOOD DRIVE INSTEAD OF A 15-FOOT SETBACK FILED BY GARY AND LORI MARTINEZ TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT WHICH GRANTED IN PART A VARIANCE TO PERMIT A REDUCED SIDE-STREET SIDE YARD SETBACK TO ALLOW A SEVEN-FOOT-HIGH WALL ALONG SYLVAN AVENUE.

WHEREAS, on January 28, 1988, the Board of Zoning Adjustment granted, by Resolution No. 1339, a variance to Don Ursini for a reduced side-street side yard setback to allow an option of locations for a six-foot-high fence along Ursini Lane, and

WHEREAS, an application for a variance from the provisions of Sections 2509(a) and 2.510(d) of the Modesto Municipal Code to permit a seven-foot-high wall without setback on Sylvan Avenue and set back 11 feet instead of 15 feet along Palmwood Drive at 1901 Sylvan Avenue was filed by Gary Martinez on July 3, 1989, 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 August 24, 1989, 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 adopted Resolution No. 1401 on August 24, 1989, which granted a variance from the provisions of Section 2.510(d) only of the Modesto Municipal Code to permit a seven-foot-high wall without setback along Sylvan Avenue, and

WHEREAS, an appeal to allow a seven-foot high wall with an 11-foot setback from Palmwood Drive instead of a 15-foot setback was filed with the City Council by Gary and Lori Martinez by letter dated September 8, 1989 to the decision of the Board of Zoning Adjustment granting in part a variance to permit a reduced side-street side yard setback to allow a seven-foot-high wall along Sylvan Avenue, and

WHEREAS, said appeal was set for hearing before the City Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on October 3, 1989, at which time said hearing was held and 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 allow a seven-foot high wall with an 11-foot setback from Palmwood Drive instead of a 15-foot setback filed by Gary and Lori Martinez to the decision of the Board of Zoning Adjustment, which granted in part a variance to permit a reduced side-street side yard setback to allow a seven-foot-high wall along Sylvan Avenue, should be granted, and that the decision of the Board of Zoning Adjustment denying in part a variance to permit a seven-foot-high wall at an 11-foot setback from Palmwood Drive instead of 15 feet should be overruled for the following reasons:

1. The subject property is a triple-frontage lot, with two of the adjacent streets being Sylvan Avenue, a 100 foot wide major street, and Palmwood Drive, a 60 foot wide collector street.
2. The subject property back up to a busy intersection, the intersection, the intersection of Sylvan Avenue and Palmwood Drive, and is across Palmwood Drive from Beyer High School.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal to allow a seven-foot high wall with an 11-foot setback from Palmwood Drive instead of a 15-foot setback of Gary and Lori Martinez to the decision of the Board of Zoning Adjustment, which granted in part a variance to permit a reduced side-street side yard setback to allow a seven-foot-high wall along Sylvan Avenue, is hereby granted, and the decision of the Board of Zoning Adjustment denying in part a variance to permit a seven-foot-high wall at an 11-foot setback from Palmwood Drive instead of 15 feet, is hereby overruled; and the appeal of Gary and Lori Martinez is hereby granted for the reasons set forth above, subject to the following conditions:

1. All development shall conform to the plot plan titled "Proposed" as amended in red, stamped approved by the City Council on October 3, 1989.
2. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1989, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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

**A RESOLUTION DETERMINING CONVENIENCE AND NECESSITY, ADOPTING  
ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE  
WORK AND ACQUISITIONS, AND DIRECTING ACTIONS WITH RESPECT  
THERE TO**

**CITY OF MODESTO  
Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"),  
County of Stanislaus, California, that

**WHEREAS**, on August 22, 1989, this Council adopted Resolution No. 89-869, A  
Resolution of Preliminary Determination and of Intention to Make Acquisitions and  
Improvements, and therein directed the Engineer of Work to make and file a report in  
writing in accordance with and pursuant to the Municipal Improvement Act of 1913;

**WHEREAS**, said report was duly made and filed, and duly considered by this  
Council and found to be sufficient in every particular, whereupon it was determined that  
said report should stand as the Engineer's Report for all subsequent proceedings under  
and pursuant to the aforesaid resolution, and Tuesday, October 3, 1989, at the hour of  
4:00 o'clock p.m., in the regular meeting place of this Council, City Council Chambers,  
801 - 11th Street, Modesto, were appointed as the time and place for hearing protests in  
relation to said proposed acquisitions and improvements, notices of which hearing were  
duly and regularly posted, mailed and published; and

**WHEREAS**, said hearing was duly and regularly held, and all persons interested  
desiring to be heard were given an opportunity to be heard, and all matters and things  
pertaining to said acquisitions and improvements were fully heard and considered by this  
Council, and all protests, both written and oral, were duly heard, considered and  
overruled, and this Council thereby acquired jurisdiction to order said acquisitions and

improvements and the confirmation of said diagram and assessment to pay the costs and expenses thereof;

**NOW, THEREFORE, IT IS ORDERED, as follows:**

1. That the owners of one-half of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearing, file written protests against the said proposed acquisitions and improvements or the grades at which said work is proposed to be done, as a whole or as to any part thereof, or against the said district or the extent thereof to be assessed for the costs and expenses of said acquisitions and improvements, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and descriptions, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. That the public interest, convenience and necessity require that said acquisitions and improvements be made, and Section 2800 and following of the Streets and Highways Code shall not apply.

3. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. That said Engineer's Report as a whole and each part thereof, are hereby approved and confirmed to wit:

- (a) the plans and specifications for the proposed improvements;
- (b) the maps and descriptions of the lands and easements to be acquired, if any;
- (c) the engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection

therewith;

(d) the diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within said district; and

(e) the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

5. That final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, maps and descriptions of the lands and easements to be acquired, estimate of the costs and expenses, the diagram and the assessment, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. That said acquisitions and improvements be made, and that said assessment to pay the costs and expenses thereof is hereby levied. For further particulars pursuant to the provisions of said Municipal Improvement Act of 1913, reference is hereby made to said Resolution of Intention.

7. That based on the oral and documentary evidence, including said Engineer's Report, offered and received at said protest hearing, this Council expressly finds and determines (a) that each of said several subdivisions of land will be specially benefited by said acquisitions and improvements at least in the amount, if not more than the amount, of the assessment apportioned against said subdivisions of land, respectively, and (b) that there is substantial evidence to support, and the weight of said evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

8. That said City Clerk shall forthwith:

(a) deliver said assessment to the Superintendent of Streets, together with said diagram, as approved and confirmed by this Council, with a certificate of such confirmation and of the date thereof, executed by said City Clerk, attached thereto; and

(b) cause a copy of said assessment diagram and a notice of assessment, executed by said City Clerk, to be filed and recorded, respectively, in the office of the County Recorder of the County of Stanislaus, such notice to be in substantially the form provided in Section 3114 of the Streets and Highways Code.

Said Superintendent of Streets shall record said assessment and diagram in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

From the date of recording of said notice of assessment, all persons shall be deemed to have notice of the contents of such assessment, and each of such assessments shall thereupon be a lien upon the property against which it is made, and unless sooner discharged such liens shall so continue for the period of ten (10) years from the date of said recordation, or in the event bonds are issued to represent said assessments, then such liens shall continue until the expiration of four (4) years after the due date of the last installment upon said bonds or of the last installment of principal of said bonds.

The appropriate officer or officers are hereby authorized to pay any and all fees required by law in connection with the above.

9. That the Director of Finance of the City of Modesto is appointed Collection Officer for said assessments and the person to whom payment of said assessments shall be made, and that the office of said Director of Finance, at 801 - 11th Street, P.O. Box

642, Modesto, California, 95353, is designated as the place at which said payments will be made, and the Superintendent of Streets is hereby relieved of all responsibility in connection with collecting assessments. Said Collection Officer, upon said recording of the assessment and diagram, shall cause Notice to Pay Assessments to be mailed and published. Said notice shall state that the assessment has been recorded as provided in Section 10402 of the Streets and Highways Code, and the date thereof, that all sums assessed therein are due and payable immediately and payment thereof is to be made to the Collection Officer at said office within 30 days after said date of recording the assessment, and the effect of failure to pay within such time, including the fact that bonds will be issued pursuant to the Improvement 1915 to represent and upon the security of said assessments which are not paid within said 30-day period; and, in addition, said notice to be mailed shall contain a designation by street number or other description of the property assessed sufficient to identify same and the amount of the assessment thereon.

Said mailed notice shall be mailed to each owner of real property within the assessment district at his last known address as the same appears on the tax rolls of the County of Stanislaus, or on file in the office of or as known to said City Clerk, or to both addresses if said address is not the same, or to the general delivery when no address so appears; and said published notice shall be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in the Modesto Bee, a newspaper published and circulated 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 3rd day of October, 1989, by Councilmember McGrath, who moved its 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, / McGrath  
Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE,  
City Clerk

(SEAL)

By: Norrine Coyle

APPROVED AS TO FORM:

By: Stan T. Yamamoto  
Stan T. Yamamoto,  
City Attorney

MODESTO CITY COUNCIL  
**RESOLUTION NO. 89-968**

**A RESOLUTION OVERRULING PROTESTS**

**CITY OF MODESTO**  
**Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"),  
County of Stanislaus, California, that

**WHEREAS**, on August 22, 1989 this Council adopted Resolution No. 89-869, A  
Resolution of Intention to Make Acquisitions and Improvements;

**WHEREAS**, notice of the time and place of hearing protests in relation to said  
proposed acquisitions and improvements was duly given and all written protests and  
other written communications were publicly read at said hearing and all persons desiring  
to be heard were fully heard;

**NOW, THEREFORE, IT IS ORDERED** as follows:

1. That protests against said acquisitions and improvements, and/or matters  
related thereto, were not signed and duly filed by the owners of a majority or more of the  
area of the lands within the assessment district, or of the area of the lands within the  
assessment district assessed for the costs and expenses of said acquisitions and  
improvements.

2. That said protests, and each of them, are overruled.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

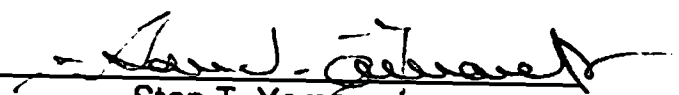
ABSTAIN/ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE,  
City Clerk

(SEAL)

By: 

APPROVED AS TO FORM:

By:   
Stan T. Yamamoto,  
City Attorney

**A RESOLUTION ORDERING CHANGES AND MODIFICATIONS**

**CITY OF MODESTO**  
**Local Improvement District No. 28**

**RESOLVED**, by the City Council (the "Council") of the City of Modesto (the "City"),  
County of Stanislaus, California, that

**WHEREAS**, on August 22, 1989, this Council adopted Resolution No. 89-869, A  
Resolution of Intention to Make Acquisitions and Improvements;

**WHEREAS**, the changes and modifications hereinafter ordered will not increase  
the total amount of the assessment or the amount of any individual assessment nor  
eliminate or add any acquisitions or work which will substantially and adversely alter or  
affect the benefits to be derived from the work and acquisitions;

**WHEREAS**, the public interest, convenience and necessity require the changes  
and modifications hereinafter ordered;

**NOW, THEREFORE, IT IS ORDERED** as follows:

1. The total assessment in said proceedings as preliminarily approved be  
decreased from \$1,615,161.58 to \$1,187,795.86, and except as herein otherwise  
provided, each of the individual assessments be reduced proportionately.

2. Changes and modifications be made in the acquisitions and improvements to  
be made as follows: deletion of the improvements of benefit to Assessment No. 216 and  
the reduction of the assessment on said parcel to \$0.00.

3. The assessments on the parcels designated Assessment Nos. 343 through 397  
be reduced to \$0.00, and that said parcels be excluded from the proposed boundaries of  
the assessment district.

4. A map designated Amended Proposed Boundaries of said assessment district  
be prepared and filed in the office of the City Clerk, which map shall exclude said

Assessment Nos. 343 through 397 from the map of the proposed boundaries of said district heretofore filed in the office of the County Recorder of the County of Stanislaus and that said boundaries be modified to conform with the boundaries as shown on said map designated Amended Proposed Boundaries.

5. Said amended boundary map is approved, and said City Clerk shall cause said amended boundary map to be filed in the office of the County Recorder no later than 10 days after adoption of this resolution, pursuant to Section 3113 of the Streets and Highways Code, and said Recorder shall cross-index said amended boundary map by reference to the book and page of Maps of Assessment and Community Facilities Districts in which the original boundary map was filed.

6. The Assessment Diagram and Assessment heretofore preliminarily approved by this Council shall be modified to exclude Assessment Parcel Nos. 343 through 397 from the assessment district, and the Engineer of Work is hereby authorized and directed to (a) cause said diagram to be corrected to exclude said parcels and (b) to delete said parcels from the Assessment Roll, which deletions shall be made by interlineation on the face of said Assessment Roll.

7. That the plans and specifications and maps and descriptions of lands and easements to be acquired as preliminarily approved be changed and modified to conform with the changes and modifications hereinabove ordered to be made in the improvements and acquisitions, and the Engineer of Work is hereby directed to make said changes and modifications.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE,  
City Clerk

By: *Norrine Coyle*

(SEAL)

APPROVED AS TO FORM:

By: *Stan T. Yamamoto*  
Stan T. Yamamoto,  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-970

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE POLICE PARKING LOT AT 10TH AND F STREETS

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

SECTION 1. The plans and specifications for the Police parking lot at 10th and F Streets copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 19, 1989, 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 at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-971

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING A UTILITY CUSTOMER INFORMATION SYSTEM

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

SECTION 1. The plans and specifications for furnishing a Utility Customer Information System

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 23, 1989, 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 October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-972

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR SELLING A 3840+ SQUARE FOOT FIVE-BEDROOM THREE-  
BATH HOUSE LOCATED AT 2955 LINCOLN AVENUE

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

SECTION 1. The plans and specifications for selling a 3840+ square foot five-bedroom, three-bath house located at 2955 Lincoln 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 November 7, 1989, 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 October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-973

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FINANCING FOR A NEW CIP PROJECT.

WHEREAS, a commercial development was conditionally approved based on certain traffic mitigations, and

WHEREAS, one of the mitigations was that the developer (Belco Development) and the City would participate in a joint traffic signal modification project. The modifications will be made at Standiford at Sisk and Standiford at Dale, and

WHEREAS, the developer will contribute \$20,000 to the project and the City will provide \$98,000. The City's portion will be provided by the Local Transportation Fund Contingency Reserve and by the Miscellaneous Resurfacing Account,

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>		
070/160/P877/6000	Stand/Sisk/Dale-T/S Modifications	\$118,000
070/430/P660/6000	Miscellaneous Street Resurfacing	(80,000)
051/700/7000/7070	Transfer out to Fund 070	18,000)
051/800/8000/8003	Fund 051 Contingency Reserve	(18,000)
<u>Revenues</u>		
070/510/9510/4057	Developer's Share of Street Proj	20,000
070/700/7000/9051	Transfer in from Fund 051	18,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-974

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR MODIFICATIONS OF TRAFFIC SIGNALS AT STANDIFORD AT SISK AND STANDIFORD AT DALE

WHEREAS, Resolution No.89-886 , adopted by the Council of the City of Modesto on September 5, 1989 , approved the plans and specifications for the modifications of traffic signals at Standiford at Sisk and Standiford at Dale and authorized the calling for bids; and

WHEREAS, the bids received for the modifications of traffic signals at Standiford at Sisk and Standiford at Dale were opened at 11:05 a.m. on September 2, 1989, 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 \$118,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company in the amount of \$118,000 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 October , 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST:   
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-975

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (SEE SCHEDULE A)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 14, 1989, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place for consideration of reports by the Superintendent of Streets on the cost of construction of improvements as described in such reports and on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

SCHEDULE A

1. Curb at 207 E. Coolidge Avenue, a portion of Block 200 (Thomas R. Perry - \$1,569.00)
2. Curb at 157 E. Coolidge Avenue, a portion of Block 200, (Modesto Imaging Center - \$1,088.00)
3. Sidewalk at 400 Winmore Avenue, Lot 5 of Block 9918 (David G. Pollart - \$335.00)
4. Curb at 161 E. Coolidge Avenue, a portion of Block 200 (Modesto Imaging Center - \$1,155.00)
5. Sidewalk along Wellesley Avenue at 1031 W. Roseburg Avenue, a portion of Block 6011 (Asenath Seals - \$889.00)
6. Curb along E. Fairmont Avenue and Ila Way at 925 Ila way, a portion of Block 65 (Naomi H. Tucker Life Estate - \$2,959.00)
7. Curb at 225 E. Fairmont Avenue, a portion of Block 651 (Georgia Adams - \$2,432.00)
8. Curb at 128 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment co. - \$1,413.00)
9. Curb at 130 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co. - \$1,199.00)
10. Curb at 117 E. Fairmont Avenue, a portion of Block 651 (Jerry L. Hooper - \$1,270.00)
11. Sidewalk at 1420 Teresa Street, Lot 28 of Block 6078 (Wendell L. Thompson - \$519.00)
12. Sidewalk at 1400 Teresa Street, Lot 23 of Block 2078 (Michael Ballantyne - \$439.00)
13. Curb and sidewalk at 1531 Scenic Drive, a portion of Block 1022 (Charles K. White - \$1,485.12)
14. Curb at 140 Frances Avenue, a portion of Block 618 (Terrance P. Powell - \$1,229.00)
15. Curb and sidewalk along Santa Cruz Avenue at 820 S. Santa Cruz Avenue, Lot 12 of Block 2071 (Vera L. Bauguess - \$2,336.00)
16. Curb and sidewalk at 808 S. Santa Cruz Avenue, Lot 10 of Block 2071 (O.B. Broome - \$1,264.00)

17. Curb and sidewalk at 2713 Woodland Avenue, a portion of Block 5920 (Samuel G. Delgado - \$5,079.00)
18. Sidewalk along E. Rumble Road at 609 E. Rumble Road, a portion of Block 12315 (Steve K. Moore - \$789.00)
19. Sidewalk at 605 E. Rumble Road, a portion of Block 12315 (Larry Sweatman - \$819.00)
20. Curb and sidewalk at 1322 E. Orangeburg Avenue, a portion of Block 1160 (Anna Louise McCoy - \$1,289.00)
21. Sidewalk at 1005 Ramona Avenue, Lot 10 of Block 638 (Mark O. Bogenrief - \$659.00)
22. Curb and sidewalk at 2555 Veneman Avenue, a portion of Block 13555 (Allen Root - \$2,899.00)
23. Curb and sidewalk at 2613 Veneman Avenue, a portion of Block 13555 (Wayne A. Jarboe - \$2,899.00)
24. Curb and sidewalk at 2601 Veneman Avenue, a portion of Block 13555 (Bruce H. Hawkins - \$2,899.00)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-976

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following existing classification:

Deputy Director Public Works - Transportation

The revised specification for the classification amended, 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 October 3, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
 No. 2021  
 No. 2022  
 No. 2023

DEPUTY DIRECTOR PUBLIC WORKS - ENGINEERING  
 DEPUTY DIRECTOR PUBLIC WORKS - OPERATIONS  
 DEPUTY DIRECTOR PUBLIC WORKS - TRANSPORTATION

DEFINITION

To assist the Director of Public Works in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Public Works.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Public Works.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Assist in planning, directing, supervising, and coordinating departmental operations; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures.

Supervise and assist subordinate supervisors in the planning, design, and maintenance of City buildings, equipment and City street, transportation, traffic, water, waste water and drainage systems; establish long-range plans and goals.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Public Works; prepare and present staff reports and other necessary correspondence.

Establish performance standards and evaluate performance of subordinate personnel.

May be assigned tasks requiring engineering design calculations and using the judgment of a registered professional engineer.

Prepare a variety of correspondence and general and special reports.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Engineering principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Technical, legal, and financial problems involved in the conduct of a municipal public works program.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Principles of budget preparation and expenditure control.

Principles of supervision, training, management and public works administration.

Pertinent Federal, State, and local laws, codes and regulations.

### Ability to:

Oversee and coordinate the activities of a number of divisions within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Perform a variety of technical and engineering research and prepare reports of findings.

Review and interpret cost estimates.

Effectively represent the Department before the Council, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

### Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-977

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR FISCAL YEARS 1988-89, 1989-90, AND 1990-91, COMMENCING ON JULY 1, 1988, AND ENDING ON JUNE 30, 1991".

WHEREAS, the Council adopted Resolution No. 88-494 on June 28, 1988, which implemented salary ranges, salary schedules and fixed compensation for positions in City service, and

WHEREAS, at its meeting of October 3, 1989, the Council considered amending Exhibit "G" of said Resolution No. 88-494 to amend the Class Range Tables to set the salary for the position of the Deputy Director Public Works-Transportation at Salary Range 450.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 88-494. Resolution No. 88-494 entitled "A Resolution Approving Salary Ranges, Salary Schedules, And Benefits For Management And Confidential And Executive Management Employees For Fiscal Years 1988-89, 1989-90, And 1990-91, Commencing on July 1, 1988, And Ending On June 30, 1991" is amended as follows:

Exhibit "G" attached to Resolution No. 88-494 is amended as shown on the amended Exhibit "G" entitled "City of Modesto-Class Range Table-Management And Confidential Non-Sworn Classes Effective July 5, 1988", which is attached hereto and made a part hereof.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 3, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

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

100389

EXHIBIT "G"

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

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 5, 1988

---

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

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 5, 1988

---

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. 89-978

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 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 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-979

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND IKE SHAW TO SELL TO HIM, EXCESS PROPERTY LOCATED ON BRIGHTON AVENUE, AND AUTHORIZING CITY MANAGER AND CITY CLERK TO EXECUTE GRANT DEED

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Ike Shaw to sell to him a 0.169+ parcel of excess property located on Brighton Avenue

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials, and execution of grant deed 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 October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-980

A RESOLUTION APPROVING THE FINAL MAP OF THE KINGSWOOD  
ESTATES NO. 7 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, PETER SCONTRIANO, a married man as his sole and separate property, and JOHN M. STOCKER, JR., a married man as his sole and separate property, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.387 acres, known as the Kingswood Estates No. 7 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning Commission on the 1st 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 Kingswood Estates 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 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-981

A RESOLUTION APPROVING THE REQUEST BY THE CHRISTIAN BERETS, INC., FOR DIRECT CITY ASSISTANCE FOR A CHRISTMAS PARADE TO BE HELD ON DECEMBER 2, 1989 IN THE CITY OF MODESTO.

WHEREAS, the Christian Berets, Inc., have filed an application for Direct City Assistance to hold a Christmas Parade on December 2, 1989, in the City of Modesto, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the Christian Berets, Inc., to hold a Christmas Parade to be held on December 2, 1989 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 following, subject to the conditions set forth, relating to the Christian Berets, Inc., Christmas Parade to be held on December 2, 1989:

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 2, 1989, and will remove said reviewing stand thereafter.

2. The Christian Berets, Inc., are granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Christian Berets, Inc.

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; then 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 eighty-two (82) barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

7. The Christian Berets, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Christian Berets, Inc., parade.

8. The Christian Berets, Inc., shall furnish to the City Clerk of City current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect the Christian Berets, Inc., and its agents and employees from claims for damages for bodily injury and

property damage which may arise out of the Christian Berets, Inc., Christmas parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Christian Berets, Inc., with a copy of this resolution. The Christian Berets, Inc., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-982

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATIONS OF JASON KIMBROUGH, PRESTON OLIVER AND RICHARD ROZENBLAD FROM THE MODESTO CHARTER REVIEW COMMITTEE, EFFECTIVE OCTOBER 3, 1989

WHEREAS, Jason Kimbrough, Preston Oliver and Richard Rozenblad were appointed members of the Modesto Charter Review Committee on March 21, 1989, and have tendered their resignations, effective October 3, 1989; and

WHEREAS, Jason Kimbrough, Preston Oliver and Richard Rozenblad have been devoted and sincere public servants and have contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignations of Jason Kimbrough, Preston Oliver and Richard Rozenblad from the Modesto Charter Review Committee be, and hereby are accepted with regret, and 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 these members for their 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 3rd day of October, 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:	Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-983

A RESOLUTION APPOINTING PETER CASTER TO THE MODESTO CHARTER REVIEW COMMITTEE

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

SECTION 1. Peter Caster is hereby appointed to the Modesto Charter Review Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Modesto Charter Review 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 3rd day of October, 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-984

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF JOHN AND DONNA SUTTON.

WHEREAS, JOHN and DONNA SUTTON exemplified by their devotion to family, community and country the qualities each American strives to attain, and

WHEREAS, JOHN and DONNA SUTTON have served as goodwill ambassadors of the City of Modesto in their travels and meetings with people throughout California, the United States and abroad, and

WHEREAS, the City of Modesto has greatly benefited from the contributions of JOHN and DONNA SUTTON.

NOW, THEREFORE, BE IT RESOLVED by the Modesto City Council that, on behalf of the community at large, it extends to the entire family of JOHN and DONNA SUTTON its most sincere regrets in this time of loss.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1989, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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

101289

9315CA2

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-985

A RESOLUTION NAMING THE CITY PARK SITE LOCATED ON CLAUS ROAD  
NORTH OF YOSEMITE BOULEVARD AS JOHN C. SUTTON COMMUNITY PARK

WHEREAS, John C. Sutton served the residents of the City of Modesto  
as a member of the Planning Commission, the Culture Commission and the City  
Council, and

WHEREAS, John C. Sutton showed, through his actions and words, an  
exemplary respect for the environment, open space and park land, and

WHEREAS, the Council of the City of Modesto desires to commemorate  
the contributions of their colleague's dedicated years of service to the  
community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it does hereby name the City community park site located adjacent to  
Johansen High School on Claus Road north of Yosemite as John C. Sutton  
Community Park.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 10th day of October, 1989, by Council-  
member Patterson , who moved its adoption, which motion being duly seconded by  
Councilmember McGrath , was upon roll call carried and the resolution adopted  
by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-985A

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 DELETION OF AN ELEMENTARY SCHOOL SITE IN THE CHRYSLER-99 NEIGHBORHOOD.

WHEREAS, on October 10, 1989 the City Council, by Resolution No. 89-985B, amended the Modesto Urban Area General Plan Map to delete an elementary school site in the Chrysler-99 Neighborhood, property located on the south side of Conant Avenue approximately 200 feet south of Standiford Avenue, and

WHEREAS, the City Council certifies that at its meeting of October 10, 1989, 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 the General Plan Map to delete an elementary school site in the Chrysler-99 Neighborhood, property located on the south side of Conant Avenue approximately 200 feet south of Standiford 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 October, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, 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. 89-985B

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO DELETE AN ELEMENTARY SCHOOL SITE IN THE CHRYSLER-99 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)

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, the Modesto City Planning Commission adopted Resolution No. 89-112 on September 5, 1989, recommending an amendment to the General Plan Map to delete a second elementary school site in the Chrysler-99 Neighborhood, and

WHEREAS, on September 5, 1989, the Modesto City Planning Commission held a public hearing on a proposal by the Stanislaus Union School District to delete a second elementary school site in the Chrysler-99 Neighborhood, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, on September 5, 1989, the Modesto City Planning Commission also adopted Resolution No. 89-113 which reported findings that the proposed school site disposition in the Chrysler-99 Neighborhood conforms to the General Plan, and

WHEREAS, the Council on September 26, 1989, by Resolution No. 89-952, set October 10, 1989, 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 second elementary school site in the Chrysler 99-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, and

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 second elementary school site in the Chrysler-99 Neighborhood on the south side of Conant Avenue approximately 200 feet south of Standiford Avenue, in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. Adoption of the proposed amendment will continue to assure that the Chrysler-99 Neighborhood shall be served by adequate elementary school facilities.
2. Adoption of the proposed amendment is consistent with the Land Use Element of the General Plan which sets forth objectives, principles and implementation guidelines for public facilities, including schools.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to delete a second elementary school site in the Chrysler-99 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 Stanislaus Union School District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1989, by Councilmember McGrath, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

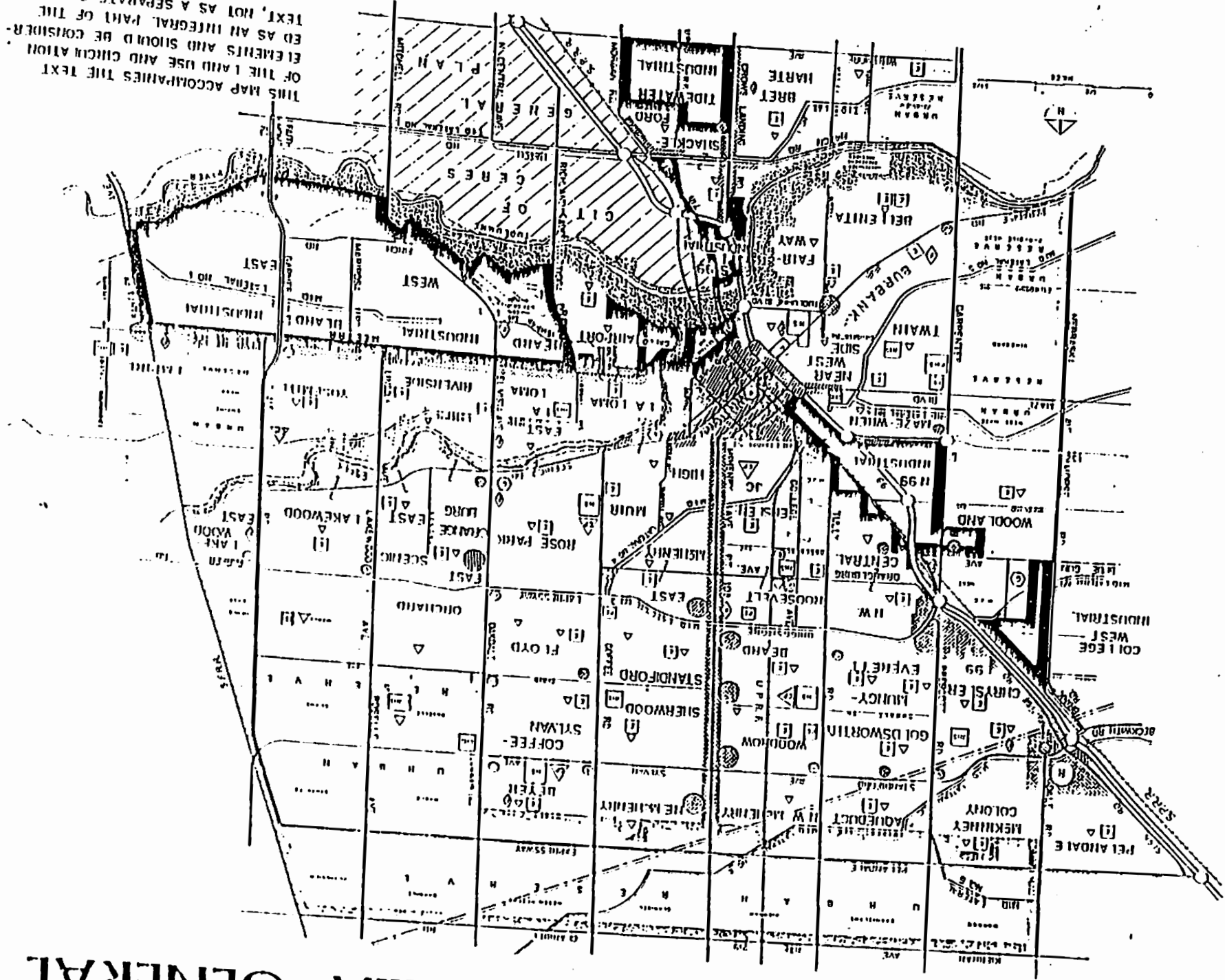
APPROVED AS TO FORM:

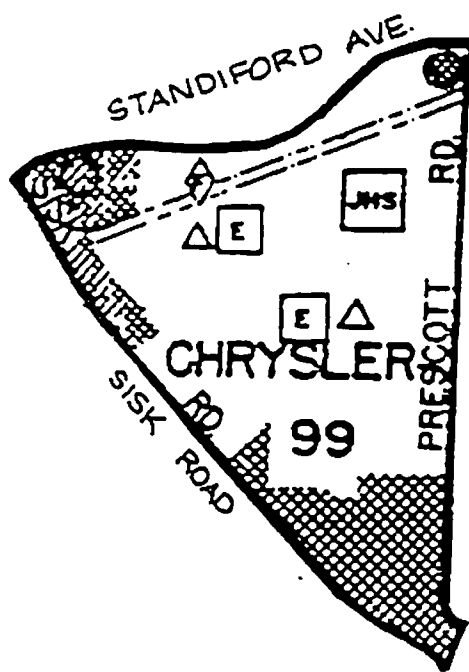
By *Stan T. Yamamoto*  
STAN T. YAMAMOTO, City Attorney

# MODESTO URBAN AREA GENERAL PLAN

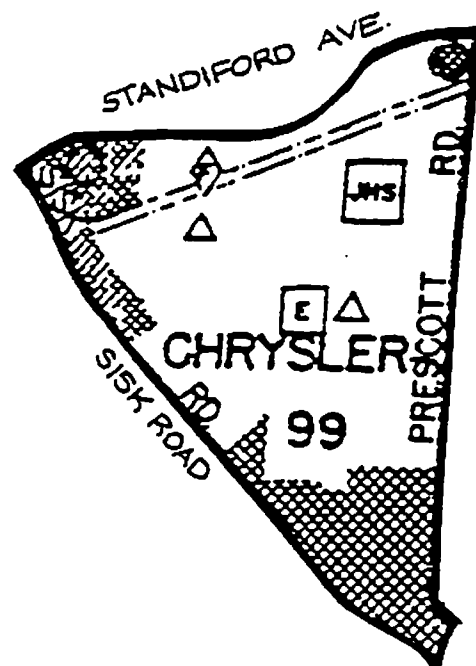
LAND USE  
RESIDENTIAL  
URBAN RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL CENTER  
REGIONAL CENTER  
CENTRAL COMMERCIAL  
INDUSTRIAL  
MAJOR OPEN SPACES  
PUBLIC AREAS  
PLAYING SCHOOLS  
ELEMENTARY  
JUNIOR HIGH SCHOOL  
HIGH SCHOOL  
CONTINUATION HIGH  
PRIVATE SCHOOLS  
RESTAURANT  
HIGH  
PARKS  
COMMUNITY  
RECREATION  
GOVERNMENT OFFICES  
FIRE STATIONS  
CIRCULATION  
EXPRESSWAY  
FREEWAYS  
EXPRESSWAY  
MAJOR STREET  
COLLECTOR STREET  
RAILROAD  
METCH HETCHITY  
CANAL  
THE STATE HIGHWAY DEPARTMENT  
FLOODWAY

THIS MAP ACCOMPANIES THE TEXT  
OF THE LAND USE AND CIRCULATION  
ELEMENTS AND SHOULD BE CONSIDER-  
ED AS AN INTEGRAL PART OF THE  
TEXT, NOT AS A SEPARATE ELEMENT.  
APPROVED BY THE PLANNING COMMISSION  
ON JAN. 4, 1968  
APPROVED BY THE CITY COUNCIL  
ON FEB. 23, 1968

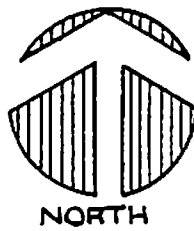




EXISTING



PROPOSED



NORTH

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-986

A RESOLUTION ADJUSTING THE CAPITAL FACILITIES FEES ESTABLISHED BY RESOLUTION NO. 89-373 PURSUANT TO THE BUILDING COST INDEX OF THE UNITED STATES AS PUBLISHED BY THE ENGINEERING NEWS RECORD.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging capital facilities fees, and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 89-373, and

WHEREAS, paragraph 8 of said resolution provides for an annual adjustment of Capital Facilities Fees in accordance with the most recent change in the Building Cost Index of the United States as published by the Engineering News Record, and

WHEREAS, the Building Cost Index of the United States as published by the Engineering News Record reflects a 1.05% increase since August 1988, and

WHEREAS, the reports which explain the increase in the Building Cost Index and which reflect the adjusted capital facilities fees have been available for public inspection and review for more than ten (10) days prior to this public hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the rates of Capital Facilities Fees applicable to new development in the City of Modesto are hereby increased by 1.05%. Accordingly, paragraph 2 of Resolution No. 89-373 is hereby amended to read as follows:

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amount specified in the following paragraphs:

(a) Police Facilities

(1) Residential:

Low density residential use	\$ 408.00/unit
Medium density residential use	343.00/unit
Medium-high density residential use	247.00/unit

(2) Non-residential:

Office	\$ 0.26/square foot
Commercial	0.16/square foot
Industrial	0.11/square foot
Care Homes (day care, convalescent and retirement)	0.16/square foot
Churches and private schools	0.11/square foot
Hospitals	0.26/square foot
Fast Food Restaurants	0.16/square foot
Convenience Marts	0.16/square foot

(b) Parks and Recreation Facilities

(1) Residential:

Low density residential use	\$1,460.00/unit
Medium density residential use	1,252.00/unit
Medium-high density residential use	869.00/unit

(2) Non-residential:

Office	no fee
Commercial	no fee
Industrial	no fee
Care Homes (day care, convalescent and retirement)	no fee
Churches and private schools	no fee
Hospitals	no fee
Fast Food Restaurants	no fee
Convenience Marts	no fee

(c) Wastewater Treatment Facilities

(1) Residential:

Low density residential use	\$ 189.00/unit
Medium density residential use	162.00/unit
Medium-high density residential use	112.00/unit

(2) Non-residential:

Office	\$ 0.06/square foot
Commercial	0.04/square foot
Industrial	0.03/square foot
Care Homes (day care, convalescent and retirement)	0.04/square foot
Churches and private schools	0.03/square foot
Hospitals	0.06/square foot
Fast Food Restaurants	0.04/square foot
Convenience Marts	0.04/square foot

(3) Industrial:

Special (Industrial development which results in wastewater discharge from other than standard plumbing fixtures will incur a fee in addition to the 0.03/square foot fee listed above for industrial uses; this fee to be determined on a case-by-case basis)

(d) Fire Facilities

(1) Residential:

Low density residential use	\$ 182.00/unit
Medium density residential use	155.00/unit
Medium-high density residential use	110.00/unit

(2) Non-residential:

Office	\$ 0.12/square foot
Commercial	0.07/square foot
Industrial	0.06/square foot
Care Homes (day care, convalescent and retirement)	0.07/square foot
Churches and private schools	0.06/square foot
Hospitals	0.12/square foot
Fast Food Restaurants	0.07/square foot
Convenience Marts	0.07/square foot

(e) Other City Facilities

(1) Residential:

Low density residential use	\$ 249.00/unit
Medium density residential use	210.00/unit
Medium-high density residential use	150.00/unit

(2) Non-residential:

Office	\$ 0.16/square foot
Commercial	0.10/square foot
Industrial	0.07/square foot
Care Homes (day care, convalescent and retirement)	0.10/square foot
Churches and private schools	0.07/square foot
Hospitals	0.16/square foot
Fast Food Restaurants	0.10/square foot
Convenience Marts	0.10/square foot

(f) Capital Facilities Fees Administration Fee

(1) Residential:

Low density residential use	\$ 34.00/unit
Medium density residential use	29.00/unit
Medium-high density residential use	21.00/unit

(2) Non-residential:

Office	\$ 0.02/square foot
Commercial	0.01/square foot
Industrial	0.01/square foot
Care Homes (day care, convalescent and retirement)	0.01/square foot
Churches and private schools	0.01/square foot
Hospitals	0.02/square foot
Fast Food Restaurants	0.01/square foot
Convenience Marts	0.01/square foot

NOTE: The following are existing fees which are included in this resolution for the sake of administrative convenience only, they are not addressed by the Recht Hausrath and Associates report.

(g) Expressway Loop Facilities Fee

(1) Residential:

Low density residential use	\$ 114.00/unit
Medium density residential use	88.00/unit
Medium-high density residential use	66.00/unit

(2) Non-residential:

Office	0.62/square foot
Commercial	1.08/square foot
Industrial	0.05/square foot
Care Homes (day care, convalescent and retirement)	0.02/square foot
Churches and private schools	0.23/square foot
Hospitals	0.62/square foot
Fast Food Restaurants	2.86/square foot
Convenience Marts	6.64/square foot

(h) Street Light Facilities Fee

(1) Residential:

Low density residential use	\$	0.73/unit
Medium density residential use		0.56/unit
Medium-high density residential use		0.41/unit

(2) Non-residential:

Office	0.004/square foot
Commercial	0.01/square foot
Industrial	0.003/square foot
Care Homes (day care, convalescent and retirement)	0.01/square foot
Churches and private schools	0.001/square foot
Hospitals	0.004/square foot
Fast Food Restaurants	0.02/square foot
Convenience Marts	0.04/square foot

(i) Traffic Signal Facilities Fee

(1) Residential:

Low density residential use	\$	44.00/unit
Medium density residential use		34.00/unit
Medium-high density residential use		25.00/unit

(2) Non-residential:

Office	0.24/square foot
Commercial	0.41/square foot
Industrial	0.02/square foot
Care Homes (day care, convalescent and retirement)	0.01/square foot
Churches and private schools	0.09/square foot
Hospitals	0.24/square foot
Fast Food Restaurants	1.10/square foot
Convenience Marts	2.57/square foot

BE IT FURTHER RESOLVED that this resolution shall become effective  
January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 10th day of October,  
1989, by Councilmember Muratore, who moved its adoption, which motion  
being duly seconded by Councilmember McGrath, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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. 89-987

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 88-884B.

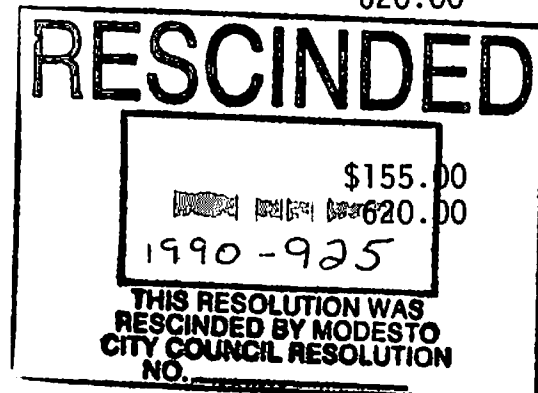
WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provides that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title X of said Code, and

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                                   | \$810.00 |
| (b) Amend P-D Zone pursuant to Sec. 10-2.1709(b) | 810.00   |
| (c) Amend P-D Zone pursuant to Sec. 10-2.1709(a) | 620.00   |
| (d) Rezoning                                     | 730.00   |
| (e) Plot Plan Review                             |          |
| - for a satellite antenna                        |          |
| for a single-family house                        | 100.00   |
| - for a second-story addition to a               |          |
| single-family house                              | 225.00   |
| - all other plot plan reviews                    | 405.00   |
| (f) Conditional Use Permit                       | 620.00   |
| (g) Variance                                     |          |
| - on a lot with a single                         |          |
| family house in the R-A,                         |          |
| R-1, R-2 or R-3 zone                             |          |
| - all others                                     |          |



(h) Administrative Approval of Revised Plans	20% of applicable filing fee
(i) Letter of Verification - Zoning	20.00
(j) Tentative Subdivision Map	515.00
(k) Tentative Parcel Map	470.00
(l) Reversion to Acreage	455.00
(m) Parcel Map Waiver	455.00
(n) Lot Line Adjustment	100.00
(o) Time Extension	110.00
(p) Environmental Assessment	
- initial study	370.00
- 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	90.00
- of administrative decisions	90.00
(r) Annexation	\$390.00 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. 88-884B is rescinded effective December 31, 1989.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of October, 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, McGrath, 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

**RESCINDED**

Corrected 10/26/89

1990-924

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-987A

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS AND RESCINDING RESOLUTION NO. 88-884D. OF THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. \_\_\_\_\_

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

\$2,800. 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. 88-884D is hereby rescinded effective December 31, 1989.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1990.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-987A

A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF  
INDUSTRIAL REVENUE BONDS AND RESCINDING RESOLUTION  
NO. 88-884D.

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 \$2,625. 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. 88-884D is hereby rescinded effective December 31, 1989.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of October, 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

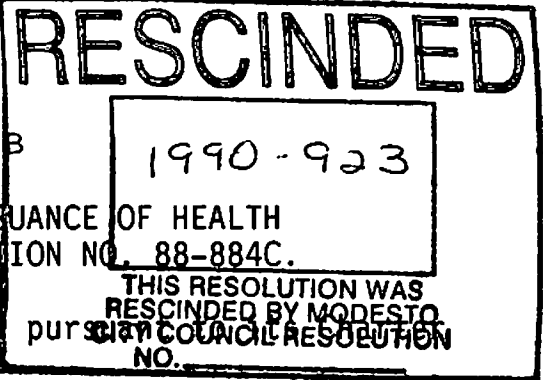
ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-987B



A RESOLUTION ESTABLISHING CRITERIA FOR ISSUANCE OF HEALTH CARE FACILITY BONDS AND RESCINDING RESOLUTION NO. 88-884C.

WHEREAS, the City of Modesto is authorized pursuant to

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 \$2,800. 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. 88-884C is hereby rescinded effective December 31, 1989.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of October, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

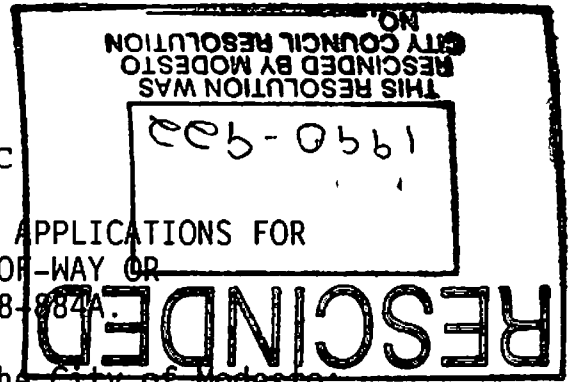
(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-987C

A RESOLUTION ESTABLISHING FILING FEES FOR APPLICATIONS FOR  
ABANDONMENT OR VACATION OF PUBLIC RIGHTS-OF-WAY OR  
EASEMENTS AND RESCINDING RESOLUTION NO. 88-884A.



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

1. A filing fee of \$625.00 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 \$105.00 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 \$310.00 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. 88-884A is hereby rescinded effective December 31, 1989.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of October, 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, McGrath, 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. 89-988

A RESOLUTION ACCEPTING THE BID OF W.M. LYLES FOR THE WATERLINE ACROSS 99 FREEWAY BRIDGE

WHEREAS, Resolution No. 89-885, adopted by the Council of the City of Modesto on September 5, 1989, approved the plans and specifications for the waterline across 99 Freeway bridge and authorized the calling for bids; and

WHEREAS, the bids received for the waterline across 99 Freeway bridge were opened at 11:05 a.m. on September 28, 1989, 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 in the amount of \$428,000, be accepted as the lowest responsible bid.

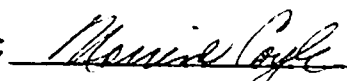
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W.M. Lyles in the amount of \$428,000 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-989

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE WATERLINE ON MARIN AVENUE, USTICK AVENUE AND WHITMORE AVENUE

WHEREAS, Resolution No. 89-884 , adopted by the Council of the City of Modesto on September 5, 1989 , approved the plans and specifications for the waterline on Marin Avenue, Ustick Avenue and Whitmore Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the waterline on Marin Avenue, Ustick Avenue and Whitmore Avenue

were opened at 11:00 a.m. on September 28, 1989, 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 in the amount of \$147,736 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction in the amount of \$147,736 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 October , 19 89 , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-990

A RESOLUTION ACCEPTING THE BID OF LACAL EQUIPMENT COMPANY FOR FURNISHING REPLACEMENT PARTS FOR A STREET SWEEPER

WHEREAS, Resolution No. 89-889 , adopted by the Council of the City of Modesto on September 5, 1989 , approved the plans and specifications for the purchase of replacement parts for a street sweeper

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of replacement parts for a street sweeper were opened at 11:05 a.m. on October 2, 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 Lactal Equipment Company in the amount of \$6,206.35 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lactal Equipment Company in the amount of \$6,206.35 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 October , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-991

A RESOLUTION ACCEPTING THE UNDERGROUND FUEL TANK REMOVAL AT THE MODESTO CITY-COUNTY AIRPORT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the underground fuel tank removal at the Modesto City-County Airport has been completed by Weldon, Weldon & Cowell Contracting in accordance with the contract agreement dated .

NOW, THEREFORE, BE IT RESOLVED that the underground fuel tank removal at the Modesto City-County Airport

be accepted from said contractor, Weldon, Weldon & Cowell Contracting ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$22,229 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 October, 19 <sup>89</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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-992

A RESOLUTION ACCEPTING THE BANK REPAIR AND SLOPE PROTECTION AT EAST LA LOMA PARK AND BEARD BROOK PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the bank repair and slope protection at East La Loma Park and Beard  
Brook Park

has been completed by George Reed, Inc.

in accordance with the contract agreement dated April 5, 1988 .

NOW, THEREFORE, BE IT RESOLVED that the bank repair and slope protection  
at East La Loma Park and Beard Brook 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 \$91,270.00 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 10th day of October,  
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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-993

A RESOLUTION REJECTING ALL BIDS FOR THE SEWER AND WATERLINE RELOCATIONS AT N. MADISON STREET AND LINDEN STREET, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 28, 1989, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 89-883, adopted by the Council of the City of Modesto on September 5, 1989, approved the plans and specifications for the sewer and waterline relocations at N. Madison Street and Linden Street, and authorized the call for bids; and

WHEREAS, the bids received for the sewer and waterline relocations at N. Madison Street and Linden Street were opened at 11:10 a.m. on September 28, 1989; and

WHEREAS, the single bid received on the project submitted by Kit R. Larsen was 72.36% above the Engineer's Estimate and is considered unacceptable and it is the recommendation of staff that bids be rejected and Council authorize new call for bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the sewer and waterline relocations at N. Madison Street and Linden Street and opened in the office of the City Clerk on September 28, 1989 are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for the sewer and waterline relocations at N. Madison Street and Linden Street to be opened on October 26, 1989, 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 10th day of October, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-994

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FROM APPLE COMPUTERS, INC.

WHEREAS, the Public Information Office and Police Department have requested the purchase of equipment needed for word, data, graphics, and desktop publishing needs, and

WHEREAS, Apple Computers, Inc. is the sole source for the purchase of their products.

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.

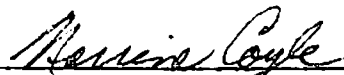
BE IT FURTHER RESOLVED that purchase of computer equipment from Apple Computer, Inc. in the amount of \$15,865, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-995

A RESOLUTION TRANSFERRING THREE HUNDRED NINETY SIX THOUSAND SEVEN HUNDRED (\$396,700) DOLLARS FROM THE GENERAL FUND (FUND NO. 010) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130).

WHEREAS, the sum of Three Hundred Ninety Six Thousand Seven Hundred (\$396,700) 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 financing 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 Three Hundred Ninety Six Thousand Seven Hundred (\$396,700) Dollars be and is hereby transferred from the Unappropriated Fund Balance of the General Fund (Fund No. 010) to the Special Fund for Capital Outlays (Fund No. 130).

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 10th day of October, 1989, 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: Irizarry, Lang, McGrath, 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. 89-996

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND J.H. EVANS TELECOMMUNICATIONS, INC. TO PROVIDE MAINTENANCE AND SERVICE COVERAGE FOR THE CITY'S TELEPHONE SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and J.H. Evans Telecommunications, Inc. to provide maintenance and service coverage for the City's telephone system

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-997

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD D. AND KATHLEEN M. TALLCOTT FOR REIMBURSEMENT FOR INSTALLATION OF A 6" SEWERLINE IN HOUSER LANE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard D. and Kathleen M. Tallcott for reimbursement for installation of a 6" sewerline in Houser Lane

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October, 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: Irizarry, Lang, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-998

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD C. AND KATHLEEN M. TALLCOTT FOR REIMBURSEMENT FOR INSTALLATION OF AN 8" WATERLINE IN HOUSER LANE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Richard C. and Kathleen M. Tallcott for reimbursement for installation of an 8" waterline in Houser Lane

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-999

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELIZABETH COLLINS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1713 WOODLAND AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Elizabeth Collins for sewer service to property outside City limits at 1713 Woodland 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 October, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Marrine Coyle  
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1000

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELIZABETH COLLINS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1713 WOODLAND AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Elizabeth Collins for water service to property outside City limits at 1713 Woodland 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 October, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1001

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND AMERICAN MANAGEMENT SYSTEMS TO PROVIDE FOR THE ADDITION OF FLEET MANAGEMENT, WORKORDER AND JOB COST SUBSYSTEMS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and American Management Systems to provide for the addition of fleet management, workorder and job cost subsystems

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1002

A RESOLUTION EXPRESSING SUPPORT AND CO-SPONSORSHIP,  
TOGETHER WITH SENATOR DAN MCCORQUODALE, FOR THE "GREAT  
COVER-UP" TO PAINT OVER GRAFFITI IN THE CITY OF MODESTO.

WHEREAS, on September 5, 1989, the City Council of the City of Modesto, by Resolution No. 89-911, expressed their support for the "Great Cover-Up", a day in which members of the City Council will join with Senator McCorquodale and local volunteers to paint over graffiti in the City of Modesto, and

WHEREAS, Saturday, November 4, 1989, has been designated as the day the "Great Cover-Up" will take place, and

WHEREAS, Senator McCorquodale's office is the principle coordinating agency for this event, and

WHEREAS, the City Council of the City of Modesto wishes to co-sponsor this worthwhile event, together with Senator McCorquodale, for the benefit of the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby support and will co-sponsor, together with Senator Dan McCorquodale, the "Great Cover-Up" on Saturday, November 4, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Mayor Whiteside

NOES: Councilmembers: Muratore

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. 89-1003

Restated &  
**AMENDED**  
on March 22, 2011  
By Resolution 2011-104

A RESOLUTION ESTABLISHING A BUILDING PERMIT FEE.

WHEREAS, this Council has adopted Modesto Municipal Code Section 9-1.08 which authorizes the Building Official to charge fees for inspections and plan checking to determine compliance with the Building Code of the City of Modesto, and

WHEREAS, City staff has recommended an increase in the Building Code inspection and plan checking fees to reflect increased cost, and

WHEREAS, The Council held a public hearing at its regular meeting on October 17, 1989, to consider the recommended increase in the Building permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the schedule of "Building Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work regulated by the Building Code of the City of Modesto.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on or after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, 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: Irizarry, Lang, McGrath, 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

## BUILDING PERMIT FEES

Total Valuation	Fee
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$2039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

## Other Inspections and Fees

1. Inspections outside of normal business hours . . . . \$30.00 per hour (minimum charge--two hours)
2. Weekend and Holidays . . . . . \$30.00 per hour (minimum charge--four hours)
3. Reinspection fee assessed under provisions of Section 305(g) . . . . . \$20.00 each

4. Inspections for which no fee is specially indicated . \$30.00 per hour  
(minimum charge--one-half hour)
  
5. Additional plan review required by changes,  
additions or revisions to approved plans . . . . . \$30.00 per hour  
(minimum charge--one-half hour)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1004

Restated &  
**AMENDED**  
on Mar. 22, 2011  
By Resolution 2011-104

A RESOLUTION ESTABLISHING A MECHANICAL PERMIT FEE.

WHEREAS, this Council has adopted Modesto Municipal Code Section 9-7.07 which authorizes the Building Official to charge fees for inspections and plan checking to determine compliance with the Mechanical Code of the City of Modesto, and

WHEREAS, City staff has recommended an increase in the Mechanical Code inspection and plan checking fees to reflect increased cost, and

WHEREAS, The Council held a public hearing at its regular meeting on October 17, 1989, to consider the recommended increase in the Mechanical permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the schedule of "Mechanical Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work regulated by the Mechanical Code of the City of Modesto.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on or after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, 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: Irizarry, Lang, McGrath, 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

## MECHANICAL PERMIT FEES

## Permit Issuance

1. For the issuance of each permit . . . . . \$15.00

## Unit Fee Schedule (in addition to 1 above)

1. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h . . . . . 9.00
2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h . . . . . 11.00
3. For the installation or relocation of each floor furnace, including vent . . . . . 9.00
4. For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater . . . . . 9.00
5. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit 4.50
6. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code . . . . . 9.00
7. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 Btu/h . . . . . 9.00
8. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h and including 500,000 Btu/h . . . . . 16.50
9. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h . . . . . 22.50

10. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h . . . . . 33.50
  11. For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 Btu/h . . . . . 56.00
  12. For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto . . . . . 6.50
- Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.
13. For each air-handling unit over 10,000 cfm . . . . . 11.00
  14. For each evaporative cooler other than portable type . . . . . 6.50
  15. For each ventilation fan connected to a single duct . . . . . 4.50
  16. For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit . . . 6.50
  17. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood . . . . . 6.50
  18. For the installation or relocation of each domestic-type incinerator . . . . . 11.00
  19. For the installation or relocation of each commercial or industrial-type incinerator . . . . . 45.00
  20. For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code . . . . . 6.50
  21. When Chapter 22 is applicable (see Section 103), permit fees for fuel-gas piping shall be as follows:
    - For each gas-piping system of one to four outlets . . . . . 3.00
    - For each gas-piping system of five or more outlets, per outlet . . . . . 0.75
  22. When Chapter 24 is applicable (see Section 103), permit fees for process piping shall be as follows:

For each hazardous process piping system (HPP) of one to four outlets . . . . .	5.00
For each piping system of five or more outlets, per outlet	1.00
For each nonhazardous process piping system (NPP) of one to four outlets . . . . .	2.00
For each piping system of five or more outlets, per outlet . . . . .	0.50

Other Inspections and Fees

1. Inspections outside of normal business hours . . . . \$30.00 per hour (minimum charge--two hours)
2. Weekend and Holidays . . . . . \$30.00 per hour (minimum charge--four hours)
3. Reinspection fees assessed under provisions of Section 305(g) . . . . . \$20.00 each
4. Inspections for which no fee is specially indicated . \$30.00 per hour (minimum charge--one-half hour)
5. Additional plan review required by changes, additions or revisions to approved plans . . . . . \$30.00 per hour (minimum charge--one-half hour)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1005

**AMENDED**  
on Mar. 22, 2011  
By Resolution 2011-104

A RESOLUTION ESTABLISHING A PLUMBING PERMIT FEE.

WHEREAS, this Council has adopted Modesto Municipal Code Section 9-2.08 which authorizes the Building Official to charge fees for inspections and plan checking to determine compliance with the Plumbing Code of the City of Modesto, and

WHEREAS, City staff has recommended an increase in the Plumbing Code inspection and plan checking fees to reflect increased cost, and

WHEREAS, The Council held a public hearing at its regular meeting on October 17, 1989, to consider the recommended increase in the Plumbing permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the schedule of "Plumbing Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work regulated by the Plumbing Code of the City of Modesto.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on or after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of OCTOBER, 1989, 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: Irizarry, Lang, McGrath, 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

PLUMBING PERMIT FEES

Permit Issuance

- 1. For the issuance of each permit . . . . . \$15.00

Unit Fee Schedule (in addition to 1 above)

- 1. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefor) . . . . . 3.00
- 2. For each building sewer and each trailer park sewer . . . . . 12.00
- 3. Rainwater systems--per drain (inside building) . . . . . 4.00
- 4. For each cesspool . . . . . 12.00
- 5. For each private sewage disposal system . . . . . 22.00
- 6. For each water heater and/or vent . . . . . 3.00
- 7. For each gas piping system of one to five outlets . . . . . 3.00
- 8. For each gas piping system over five outlets per outlet . . . . . 0.50
- 9. For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps . . . . . 2.50
- 10. For installation, alteration, or repair of water piping and/or water treating equipment, each . . . . . 3.00
- 11. For repair or alteration of drainage or vent piping, each fixture . . . . . 3.50
- 12. For each lawn sprinkler system on any one meter including backflow protection devices therefor . . . . . 4.50
- 13. For atmospheric-type vacuum breakers not included in Item 2:
  - 1 to 5 . . . . . 4.50
  - Over 5 each . . . . . 0.50

- 14. For each backflow protective device other than atmospheric-type vacuum breakers:
  - 2 inches and smaller . . . . . 7.00
  - over 2 inches . . . . . 14.00

Other Inspections and Fees

- 1. Inspections outside of normal business hours . . . . \$30.00 per hour  
(minimum charge--two hours)
- 2. Weekend and Holidays . . . . . \$30.00 per hour  
(minimum charge--four hours)
- 3. Reinspection fee assessed under provisions of  
Section 305(g) . . . . . \$20.00 each
- 4. Inspections for which no fee is specially indicated . \$30.00 per hour  
(minimum charge--one-half hour)
- 5. Additional plan review required by changes,  
additions or revisions to approved plans . . . . . \$30.00 per hour  
(minimum charge--one-half hour)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1006

**AMENDED**  
on Mar. 22, 2011  
By Resolution 2011-104

A RESOLUTION ESTABLISHING AN ELECTRICAL PERMIT FEE.

WHEREAS, this Council has adopted Modesto Municipal Code Section 9-3.112 which authorizes the Building Official to charge fees for inspections and plan checking to determine compliance with the Electrical Code of the City of Modesto, and

WHEREAS, City staff has recommended an increase in the Electrical Code inspection and plan checking fees to reflect increased cost, and

WHEREAS, The Council held a public hearing at its regular meeting on October 17, 1989, to consider the recommended increase in the Electrical permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the schedule of "Electrical Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work regulated by the Electrical Code of the City of Modesto.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on or after January 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, 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: Irizarry, Lang, McGrath, 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

ELECTRICAL PERMIT FEES

Permit Issuance

1. For the issuance of each permit . . . . . \$15.00

Unit Fee Schedule (in addition to 1 above)

For services including one meter:

For services, 600 volts or less, not over 200A, each . . . 12.50

For services, above 600 volts or over 200A, but not  
over 1000A, each . . . . . 25.00

For services, above 600 volts or over 1000A, each . . . . 50.00

Additional meters, each . . . . . 2.00

For subpanel not over 200A, each . . . . . 12.50

For subpanel over 200A, each . . . . . 25.00

For receptacles, switches, lighting or other outlets at  
which current is used or controlled:

Each . . . . . 0.50

Each 5 feet or fraction thereof of multi-outlet assembly  
shall be considered as one outlet . . . . . 0.30

For each 5 feet or fraction thereof of plug-in bus duct  
or trolley duct . . . . . 0.30

For fixtures, sockets or other lamp holding device:

Each . . . . . 0.50

Power apparatus:

For motors; generators; transformers; rectifiers; synchronous  
converters; capacitors; industrial heating, cooking or  
baking equipment; and other apparatus as follows:

Rating in horsepower (hp), megawatts (mw), megavolt-amperes  
(mva) or kilovolt-amperes (kva):

Up to and including 1, each . . . . .	2.00
Over 1 and not over 3, each . . . . .	3.50
Over 3 and not over 7-1/2, each . . . . .	4.25
Over 7-1/2 and not over 15, each . . . . .	6.50
Over 15 and not over 50, each . . . . .	10.00
Over 50 and not over 100, each . . . . .	20.00
Over 100, each . . . . .	30.00

- Note: 1. For equipment or appliances having more than one motor or heater, the sum of the combined rates may be used.
2. These fees include all switches, circuit breakers, contractors, relays and other directly related control equipment.

For each high-intensity discharge lamp (including transformer) and equipment:

For each fixture . . . . . 1.25

For each projection machine, dissolver, etc. . . . . 3.75

Residential Appliances: For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, air conditioners or coolers, space heaters, food waste grinders, dishwashers, washing machines, water heaters, clothes dryers, or motor-operated appliances, not exceeding one horsepower (hp) in rating, each . . . . . 2.00

Note: For motor operated appliances over one horsepower (hp) see power apparatus

Nonresidential Appliances: For self-contained, factory wired nonresidential appliances not exceeding one horsepower (hp) kilowatt (kw), or kilovolt-ampere (kva) in rating, including medical and dental devices; food, beverage and ice cream cabinets, illuminated showcases, drinking fountains, vending machines, laundry machines, or other similar types of equipment, each . . . . . 2.00

For new construction of multi-family dwellings, the following flat rate may apply including all outlets, range, dryer and any other miscellaneous circuits, per 100 sq. ft. . . . . 2.00

Signs, outline lighting, and marquees:

For one sign, outline lighting system or marquee containing one branch circuit, each . . . . .	10.00
For additional branch circuits within the same sign, outline lighting system, or marquee, each . . . . .	2.00
For separately installed flashers, timers or other control devices, each . . . . .	2.00
Temporary power service . . . . .	10.00

Other Inspections and Fees

1. Inspections outside of normal business hours . . . . \$30.00 per hour (minimum charge--two hours)
2. Weekend and Holidays . . . . . \$30.00 per hour (minimum charge--four hours)
3. Reinspection fees assessed under provisions of Section 305(g) . . . . . \$20.00 each
4. Inspections for which no fee is specially indicated . \$30.00 per hour (minimum charge--one-half hour)
5. Additional plan review required by changes, additions or revisions to approved plans . . . . . \$30.00 per hour (minimum charge--one-half hour)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1007

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AT SYLVAN AVENUE  
AND KELLER STREET

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

SECTION 1. The plans and specifications for traffic signal construction  
at Sylvan Avenue and Keller 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 November 7, 1989, 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 17th day of October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF IRELAND'S FOR CONSTRUCTION OF PICNIC AREA AND SHADE STRUCTURE AT MELLIS PARK

WHEREAS, Resolution No. 89-919 , adopted by the Council of the City of Modesto on September 12, 1989, approved the plans and specifications for the construction of picnic area and shade structure at Mellis Park

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of picnic area and shade structure at Mellis Park were opened at 11:00 a.m. on October 5, 1989 , 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 Ireland's in the amount of \$57,989.02 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ireland's in the amount of \$57,989.02 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 October , 19 89 , 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, McGrath, Muratore, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1009

A RESOLUTION ACCEPTING THE BID OF A.A. AND BOB ALLEN, INC. FOR FURNISHING  
FILL DIRT (LOAM)

WHEREAS, Resolution No. 89-931 , adopted by the Council of the City of  
Modesto on September 19, 1989, approved the plans and specifications for the  
purchase of fill dirt (loam)

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of fill dirt  
were opened at 11:15 a.m. on October 9, 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  
A.A. and Bob Allen, Inc. in the amount of \$4,650.75  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of A.A. and Bob Allen, Inc. in the amount of \$4,650.75  
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 17th day of October , 19 89 , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1010

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN USED, FOUR-DOOR SEDANS FROM GOLDEN GATE AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of seven used, four-door, 1989 sedans to replace vehicles no longer serviceable; and

WHEREAS, for the past two 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.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of seven used, four-door sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven used, four-door sedans from Golden Gate Auto Auction for a total cost of \$87,848 is hereby approved.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1011

A RESOLUTION AMENDING THE 1989-90 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 1989-90 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 1989-90.

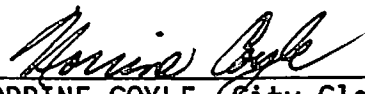
BE IT FURTHER RESOLVED that the Finance Director is hereby  
authorized to take the necessary steps to implement the provisions of this  
resolution.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 17th day of October,  
1989, by Councilmember McGrath, who moved its 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, McGrath, Muratore, Mayor Whiteside

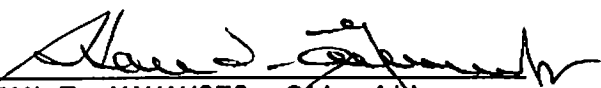
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney  
101889

9335CA2

CITY OF MODESTO

Approved Supplemental Requests FY 1989-90

Fund	Agency	Orgn	Object	Description	Increase/ Decrease Amount
FUND: 010					
010	020	0201	0209	Training	500
010	020	0202	0209	Training	250
010	020	0203	5252	New item - air conditioner	9,000
010	020	0212	5253	Telephone-16 button	430
010	020	0222	5254	Desk double pedestal	610
010	020	0232	5255	Raised floor in computer room in Word Processing	4,969
010	120	1222	0110	Account Clerks	14,419
010	120	1222	0160	Public Employee Retirement Sys	4,066
010	120	1222	5256	desk,chair,calculator	2,500
010	120	1222	5257	Fax machine	4,000
010	120	1222	0110	Budget Analyst	25,426
010	120	1222	0160	Public Employee Retirement Sys	7,704
010	120	1222	5290	PC,(Budget Analyst)	4,000
010	120	1222	5291	Desk/Chair (Budget Analyst)	900
010	140	1401	0110	Assistant Planner	21,920
010	140	1401	0160	Public Employee Retirement Sys	6,137
010	140	1401	0207	Conference expenses	670
010	140	1401	0209	Training expenses	120
010	140	1401	0301	Office supplies	100
010	140	1401	5258	Related equipment	2,637
010	140	1401	5259	New flat file unit	650
010	140	1401	5260	Style riter lettering machine	1,600
010	140	1401	5261	Zoning Inspection file cabinets	980
010	140	1401	5262	Replacement chairs	1,160
010	180	1801	0235	Services, Professional & Other	5,000
010	180	1822	0110	Hazardous Materials Inspector (Start 3/90)	10,105
010	180	1822	0160	Public Employee Retirement Sys	4,623
010	180	1832	0110	Fire Captain (3) (Prom 5/90)	1,121
010	180	1832	0110	Fire Engineer(3) (Prom 5/90)	1,008
010	180	1832	0110	Fire Fighter (9)(Start 2/90)	171,415
010	180	1832	0165	Uniform Allowance (9)	3,057
010	180	1832	0160	Public Employee Retirement Sys	471
010	180	1832	0160	Public Employee Retirement Sys	424
010	180	1832	0160	Public Employee Retirement Sys	71,994
010	180	1832	0210	Utilities - Stn #10 (2 mo)	3,150
010	180	1832	5263	Clean room construction	3,500
010	180	1801	5292	Copy Machine	4,965
010	180	1803	5293	Simulator Communications System	3,121
010	180	1832	5298	Hose Coupler	5,000
010	180	1832	5299	Facsimile Machine	1,500
010	190	1941	0110	Police Clerk	14,066
010	190	1941	0165	Uniform allowance \$15/mo. x 12	180
010	190	1941	0160	Public Employee Retirement Sys	4,909
010	190	1941	5264	Desk & chair	630
010	190	1961	0110	Community service officers (3)	48,934
010	190	1961	0165	Uniform allowance (\$47.50/mo. ea.)	1,710
010	190	1961	0160	Public Employee Retirement Sys	17,910
010	190	1961	0218	Equipment pool charges (2080 @ \$1.53 x 2)	6,365
010	190	1961	0308	Department issue equipment (\$300 ea.)	900
010	190	1961	5265	Radar guns (3)	2,385
010	190	1961	0210	Annual airtime (\$120/ea.)	480
010	190	1961	5266	Pagers (4)	1,855
010	300	3001	0110	Landscape Inspector	13,143
010	300	3001	0160	Public Employee Retirement Sys	3,351
010	300	3001	0223	Telephone conversion	200

CITY OF MODESTO

Approved Supplemental Requests FY 1989-90

Fund	Agency	Orgn	Object	Description	Increase/ Decrease Amount
010	300	3001	0120	Drafting & Graphics Tech, PT(redraw as built)	7,549
010	300	3001	0223	Maintenance contract for typewriter	70
010	300	3001	5267	16-button d-term telephone	430
010	300	3001	5268	Typewriter,electronic standard	800
010	300	3001	0223	Repair & maintenance - outside forces	960
010	310	3112	5669	Fire Suppression Hood (2 at \$1961)	3,922
010	380	3814	5270	Fire Suppression Hood	1,961
010	450	4512	0218	Equipment rental	8,112
010	450	4512	0209	Training expenses	750
010	450	4512	0218	Equipment rental	2,995
010	450	4512	5271	Pipe, cable, and fault locator	3,400
010	450	4512	5272	Pole jack	1,485
010	460	4612	5273	18" roller cutter	2,200
010	502	6502	0640	Additional Help on Saturdays	16,021
010	502	6502	0640	Books	8,080
010	502	6502	0640	Equipment Maintenance and Telecommunications	2,378
010	502	6502	0640	Carpeting	11,455
010	502	6502	0640	Part-time Security	6,375
010	700	7000	7720	T/O to 720 (5274-5298)	517,165
010	700	7000	7720	T/O to 720 (5296,5297)	41,240
010	700	7000	9139	T/I from 139 (Budget Analyst & Equipt)	-38,030
010	700	7000	9132	T/I from 132 (5292,93,98,99)	-14,586
010	800	8000	8003	Contingency Reserve	-1,106,952
Subtotal					0
FUND: 130					
130	190	P910	6000	Wang 4230 terminal (0401)	2,300
130	190	P910	6000	2 wang desk top computers at \$2300 ea.= (0401)	4,600
130	190	P910	6000	Management Information System, phase II (1401)	22,042
130	190	P910	6000	Wang PC for Administrative Clerk (1401)	2,300
130	190	P910	6000	Laser printer for IBM PC-AT (1401)	1,500
130	190	P910	6000	Laser printer (3001)	3,811
130	190	P910	6000	Personal Computer (1601)	5,000
130	190	P910	6000	Printer for computer (1601)	1,700
130	190	P910	6000	IBM AT compatible computer w\printer (4212)	3,500
130	190	P910	6000	Program software for above (4212)	1,235
130	190	P910	6000	Personal Computers (4412)	15,500
130	190	P910	6000	Computer with printer (4912)	3,000
130	190	P910	6000	Software (4912)	500
130	190	P910	6000	C/O amount in P910 account (funds already budgeted)	-66,988
Subtotal					0
FUND: 131					
131	190	P892	6000	Light bars/vehicle command module (10) (1961)	17,617
131	800	8000	8003	Contingency Reserve	-17,617
Subtotal					0
FUND: 132					
132	180	P887	6000	Lease Payments - Stn #10 (2 mo)	2,100
132	180	P888	6000	Furniture & Equipment - Stn #10	35,280
132	180	P889	6000	Adt'l Safety Equipment - Stn #10	7,350
132	180	P890	6000	Home Modification - Stn #10	15,750
132	180	P891	6000	Engine Equipment - Stn #10	70,350
132	700	7000	7010	T/O to 010 (5292,93,98,99)	14,586
132	800	8000	8003	Contingency Reserve	-145,416

CITY OF MODESTO

Approved Supplemental Requests FY 1989-90

Fund	Agency	Orgn	Object	Description	Increase/ Decrease Amount
Subtotal					0
FUND: 136					
136	450	P893	6000	Traffic Signal Test Equipment (4512)	15,000
136	800	8000	8003	Contingency Reserve	-15,000
Subtotal					0
FUND: 139					
139	700	7000	7010	T/O to 010 (Budget Analyst & Equipt)	38,030
139	800	8000	8003	Contingency Reserve	-38,030
Subtotal					0
FUND: 200					
200	380	G886	6000	Reroofing of Senior Citizen Center	18,000
200	380	P535	6000	Senior Citizens Center-Building	-18,000
Subtotal					0
FUND: 720					
720	480	5812	5296	CSO truck (2)	24,000
720	480	5812	5297	Vehicle equipment (mdt, radio, lightbars, etc)	17,240
720	480	5813	5274	Nine(9) Investigation Sedans @ \$11,000 for Police	99,000
720	480	5813	5275	Two(2) Investigation Sedans @ \$11,000 for Fire	22,000
720	480	5812	5276	One Packer Truck for Streets	113,738
720	480	5812	5277	One Claw Loader for Streets	44,233
720	480	5812	5278	Two 1/2 Ton Pickups-Parking & Traffic @ \$13,483	26,966
720	480	5812	5279	One 3/4 Ton Van for Electical	19,100
720	480	5812	5280	Three Vibra-Plates for Streets @ \$1,963	5,889
720	480	5812	5281	Twelve Chain Saws @ \$410 for Parks & Recreation	4,920
720	480	5812	5282	Two 1/2 Ton Pickups @ \$13,483 and \$14,983 (Parks & Rec)	28,466
720	480	5812	5283	Stump Cutter for Parks and Recreation	28,000
720	480	5812	5284	Fertilizer Spreader for Parks and Recreation	3,518
720	480	5812	5285	One 1-Ton Dump Truck for Parks and Recreation	19,447
720	480	5812	5286	Two 1-Ton Crew Cab Dump Trucks @ \$21,413 (Parks & Rec)	42,826
720	480	5812	5287	3/4 ton Van for Electrical	18,962
720	480	5812	5288	Misc. tools for Van for Electrical	3,000
720	480	5812	5289	1-ton Van for Electrical	37,100
720	700	7000	9010	T/I from 010 (5296,5297)	-41,240
720	700	7000	9010	T/I from 010 (5274-5298)	-517,165
Subtotal					0
FUND: 734					
734	040	6612	0235	Services, Profess. & Other (update insurance inventory)	15,000
734	040	6612	4971	Premium Assessments Credits	-15,000
Subtotal					0
Net					0

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1012

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,817 FROM CONTINGENCY RESERVE TO COMPLETE THE TRAFFIC SIGNAL PREEMPTION ON THE BRIGGSMORE OVERPASS**

**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)	\$13,817
TO:	Fire Traffic Control (132 180 P233 6000)	\$13,817

To complete the traffic signal preemption for Fire Department emergency vehicles at signalized intersections along Briggsmore and provide for signal preemption of two signals on the Briggsmore overpass.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 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, McGrath, Muratore, Mayor Whiteside  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1013

A RESOLUTION APPROVING THE REQUEST OF LIQUOR BARN FOR REFUND OF \$3,902.60 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Liquor Barn for refund of \$3,902.60 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 17th day of October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1014

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NEW WEST FEDERAL SAVINGS AND LOAN ASSOCIATION FOR REIMBURSEMENT FOR INSTALLATION OF A 36" STORM DRAIN TRUNK LINE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and New West Federal Savings and Loan Association for reimbursement for installation of a 36" storm drain trunk line

be, and it is hereby approved.


BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1015

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PATMAN COMPANY INC. FOR REIMBURSEMENT FOR STREET IMPROVEMENTS IN CLAUS ROAD ADJACENT TO CEDAR CREEK VILLAGE APARTMENTS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Patman Company, Inc. for reimbursement for street improvements in Claus Road adjacent to Cedar Creek Village Apartments

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1016

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,775 FOR REIMBURSEMENT FOR STREET IMPROVEMENTS IN CLAUS ROAD ADJACENT TO CEDAR CREEK VILLAGE APARTMENTS**

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

FROM:	Expressway Loop Contingency Reserve (133 800 8000 8003)	\$8,775
TO:	Claus Road Street Construction (133 430 P876 6000)	\$8,775

Reimbursement for street improvements in Claus Road adjacent to Cedar Creek Village Apartments. The City is responsible for pavement construction in Claus Road, which is more than 40 feet from the property line. The developer of Cedar Creek Village Apartments has constructed the City's required pavement in conjunction with other improvements to eliminate conflicts and time delays and cost increases to both City and developer. Cedar Creek Village Apartments are located on the west side of Claus Road at Cedar Creek Court.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 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, McGrath, Muratore, Mayor Whiteside  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1017

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FINANCING FOR A NEW CAPITAL IMPROVEMENT PROJECT.

WHEREAS, it has been determined that a Parking Consultant will be required to analyze the feasibility of a Downtown Parking District, and

WHEREAS, it has been estimated that the cost will be \$50,000, the Parking Fund Contingency Reserve will provide \$45,000 of the cost and the Downtown Improvement District Contingency Reserve will provide \$5,000, and

WHEREAS, it has also been noted that if such an assessment district is formed, the cost of this project should be added to the cost of the assessment district and each of these funds would be reimbursed for their funding contribution,

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>		
600/160/P880/6000	Parking District Consultant - Downtown	\$50,000
600/800/8000/8003	Contingency Reserve - Parking Fund	(45,000)
090/800/8000/8003	Contingency Reserve - D.I.D. Fund	(5,000)
090/700/7000/7600	Transfer out to Fund 600	5,000
<u>Revenues</u>		
600/700/7000/9090	Transfer in from Fund 090	5,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 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, McGrath, 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. 89-1018

A RESOLUTION SUPPORTING EFFORTS OF NORTHERN CALIFORNIA  
BUSINESS AND GOVERNMENT LEADERS TO ATTRACT THE NATIONAL  
FOOTBALL LEAGUE LOS ANGELES RAIDERS TO NORTHERN CALIFORNIA.

WHEREAS, the addition of a National Football League team to northern  
California would add to the quality of life of its residents, and

WHEREAS, increasing the accessibility of major league sports to the  
public would add to the economic base of northern California cities, and

WHEREAS, the presence of a National Football League team would focus  
greater national attention to our region,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the City of Modesto supports the efforts of northern California business  
and government leaders to encourage Al Davis, owner of the Los Angeles  
Raiders, to relocate the Raiders of the National Football League to northern  
California.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 17th day of October,  
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: Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, 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. 89-1018

A RESOLUTION SUPPORTING EFFORTS OF SACRAMENTO BUSINESS AND GOVERNMENT LEADERS TO ATTRACT THE NATIONAL FOOTBALL LEAGUE LOS ANGELES RAIDERS TO SACRAMENTO.

WHEREAS, one of the fastest growing regions in the State of California, the northern Central Valley, has no major league football team, and

WHEREAS, a national league football team would add to the quality of life in the northern Central Valley, and

WHEREAS, the addition of the Raider football team would add to the economic base of northern California, and

WHEREAS, the presence of a major league football team would focus national attention on our region, and

WHEREAS, having a major league football team in the northern Central Valley will make major league sports more accessible to the over five million people living in our area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto supports the efforts of the Sacramento Sports Commission and Sacramento business and government leaders to encourage Al Davis, owner of the Los Angeles Raiders, to relocate to the Sacramento area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 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: Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Irizarry, 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. 89-1019

A RESOLUTION VACATING AND ABANDONING A 5-FOOT PORTION OF EXCESS STREET RIGHT-OF-WAY FOR SIXTH STREET, IN BLOCK 27 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from the property owner, to abandon a 5-foot portion of excess street right-of-way for Sixth Street, 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 5-foot portion of excess street right-of-way is located on Sixth Street, in Block 27 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 1050, Streets and Highways Vacation Procedures, of the Statutes of 1980, of the Streets and Highways Code.

2. The 5-foot portion of excess street right-of-way located on Sixth Street, in Block 27 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 5-foot 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 5-foot portion of excess street right-of-way located on Sixth Street, in Block 27 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 17 day of October, 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, McGrath, 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

APPROVED AS TO DESCRIPTION:

By John R. Chastain  
Department of Engineering Services

VACATE AND ABANDON EXCESS RIGHT OF WAY FOR SIXTH STREET AT BLOCK 27

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the most Northerly corner of property conveyed to Michael E. Dillman, et al, by deed recorded January 6, 1989, as Instrument 00976, Stanislaus County Records, said corner being on the Southwesterly line of 80.00 foot Sixth Street; thence along said Southwesterly line of Sixth Street, said line being the Northeasterly line of Block 27 of the City of Modesto, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, South  $43^{\circ} 29' 30''$  East, 163.12 feet, to its point of intersection with a non-tangent curve from which point a radial line bears North  $85^{\circ} 18' 07''$  West; thence Northerly along said non-tangent curve concave to the West, having a Radius of 15.00 feet, a Central Angle of  $48^{\circ} 11' 23''$  and an Arc Length of 12.62 feet, to its point of tangency on a line which is parallel with and 5.00 feet, measured at right angles, Northeasterly from the Southwesterly line of Sixth Street; thence along said parallel line, North  $43^{\circ} 29' 30''$  West, 151.94 feet; thence South  $46^{\circ} 30' 30''$  West, 5.00 feet, to the point of beginning.

Block

Block

29

28

1"=50'

D ST.

ST.

6<sup>TH</sup>

40'

40'

40'

S 46°30'30" W

5.00'

35'

N 43°29'30" W 151.94'

35'

P.O.B.

S 43°29'30" E 163.12'

Blk. 27-2

See Detail

N 15°32'26" W

188.98'

25'

25'

28.57'

N 46°30'30" E

D ST.

25'

Block

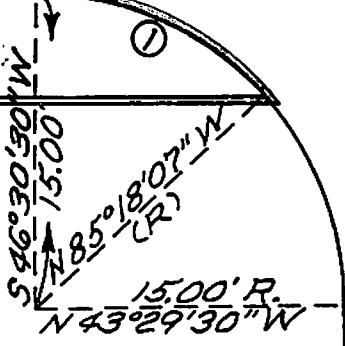
FREEWAY

N 43°29'30" W

S 43°29'30" E

CURVE DATA  
Δ = 48°11'23"  
R = 15.00'  
L = 12.62'  
T = 6.71

DETAIL  
N.T.S.



U.S. 99

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 June, 1989	DRAWN JChristiansen	CHECKED	4-A-729
VACATE AND ABANDON EXCESS RIGHT OF WAY FOR SIXTH STREET AT BLOCK 27~LD 89-A			

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1020

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was  
adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of  
the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments  
to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides  
that revisions to the Classification Plan shall be effective upon adoption of  
resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification  
Plan of the City of Modesto is hereby amended to revise the following existing  
classifications:

Parks Maintenance Supervisor I  
Equipment Crewleader

The revised specifications for the classifications amended, as shown  
on the attached Exhibits "A" and "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. EFFECTIVE DATE. This resolution shall become effective  
on and after October 17, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 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, McGrath, 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

PARKS MAINTENANCE SUPERVISOR I

DEFINITION

To assign, supervise and participate in the operation and maintenance of City parks; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, prioritize, assign, supervise and review the work of maintenance crews involved in park grounds maintenance and minor repair.

Assist in budget preparation and administration.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate a full range of grounds maintenance and minor repair.

Monitor insect level and take appropriate corrective actions.

Check park facilities and equipment for needed maintenance and repairs; and check assigned equipment for needed maintenance and repairs.

Supervise maintenance staff in the application and use of pesticides, fungicides, herbicides and fertilizers.

Inspect the work of crews while in progress; provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Supervise, train and evaluate subordinates.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Materials, methods, practices and equipment used in park grounds maintenance and minor repair activities.

Types and level of maintenance and repair activities generally performed in a park grounds, maintenance and repair program.

Principles of supervision, training and performance evaluation.

Safe work practices.

### Ability to:

Interpret and work from sketches, penciled layouts and blueprints and prepare plans for minor projects.

Keep records and make reports.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

### Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Four years of increasingly responsible experience performing parks maintenance, commercial landscaping, or professional tree maintenance, including one year of supervisory or lead responsibility.

#### Training:

Equivalent to completion of 30 college units desirable, supplemented by specialized training in horticulture, personnel supervision and related subjects.

#### License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a Pesticide Applicator's Certificate, within one year of appointment.

DEFINITION

To assist in supervising and participating in the City's streets maintenance or wastewater collection divisions; to lead work crews; and to perform the most difficult and complex duties.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Public Works Supervisor I; exercises functional and technical supervision over assigned maintenance personnel.

EXAMPLES OF DUTIES

Equipment Crewleader - (Streets Division)

When assigned to the Streets Division, duties may include, but are not limited to, the following:

Provide lead supervision and assistance to maintenance staff involved in asphalt and concrete maintenance, repair, and reconstruction activities.

Operate heavy construction equipment such as backhoes and motor graders.

Grade and crown City streets, roads and alleys using a motor grader; roll asphalt.

Identify areas needing repair and take corrective action.

Maintain accurate records of work performed, materials used, and associated work.

Assist in maintaining time, material and equipment use records.

Requisition supplies and materials.

Assist in coordinating street maintenance activities with other City departments, divisions and sections, and with outside agencies.

Perform related duties as assigned.

Equipment Crewleader - (Wastewater Collection Division)

When assigned to the Wastewater Collection Division, duties may include, but are not limited to the following:

Provide lead supervision and assistance to maintenance staff involved in wastewater collection systems inspection and repair.

EXAMPLES OF DUTIES (continued)

Equipment Crewleader - (Wastewater Collection Division)

Operate wastewater maintenance equipment, which may include, but is not limited to, combination vacuum jet rodders, bucket machines, rodders, and related equipment.

Operate complex electronic televising inspection equipment.

Maintain accurate records of work performed, materials used, and associated work.

Assist in maintaining time, material, and equipment use records.

Requisition supplies and materials.

Assist in coordinating street maintenance activities with other City departments, divisions and with outside agencies.

Perform related duties as assigned.

QUALIFICATIONS

Equipment Crewleader - (Streets Division)

Knowledge of:

Methods, practices, and equipment used in asphalt and concrete maintenance, repair, and construction services and activities; methods and techniques used in estimating time and materials for assigned projects; tools and equipment used in asphalt and concrete maintenance, repair, and reconstruction; safe work practices; principles of personnel supervision and training; and basic math skills.

Ability to:

Perform a full range of asphalt and concrete maintenance, repair, and reconstruction work; train and supervise subordinate staff; work independently in the absence of supervision; establish and maintain cooperative working relationships with those contacted in the course of work; estimate necessary materials and supplies with a reasonable degree of accuracy; understand and follow oral and written instructions.

## QUALIFICATIONS (continued)

### Experience and Training Guidelines

#### Experience:

Three years of increasingly responsible asphalt and concrete maintenance experience, including one year at a level equivalent to equipment operator.

#### Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

#### License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

### EQUIPMENT CREWLEADER – (Wastewater Collection Division)

#### Knowledge of:

Methods, practices, tools, and equipment used in wastewater maintenance repair and reconstruction, including sanitary sewers, storm drains, rockwells, and basic lift station operations; safe work practices; principles of personnel supervision and training; interpreting blueprint drawings and microfiche maps of the wastewater collection system.

#### Ability to:

Perform the full range of wastewater collection system maintenance, repair, inspection, evaluation, and reconstruction work; train and supervise subordinate staff; work independently in the absence of supervision; establish and maintain cooperative working relationships with those contacted in the course of work; work in underground confined spaces; use and train others in proper use of atmospheric electronic testing devices, and in safe work procedures; estimate necessary materials and supplies with a reasonable degree of accuracy; understand and follow oral and written instructions; read and interpret blueprints.

QUALIFICATIONS (continued)

Experience and Training Guidelines

Experience:

Three years of increasingly responsible experience in the operations and maintenance of a wastewater collection system, or comparable related experience, including one year at a level equivalent to equipment operator.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Obtaining a Collection System Maintenance Grade I Certificate of Competence from the California Water Pollution Control Association, within 18 months of appointment.

Possession of, or the ability to obtain, an appropriate, valid California driver's license.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1021

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND POSTAL CONVENIENCE AT 3507 TULLY ROAD, SUITE E-2 TO OPERATE AS A UTILITY PAY STATION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Postal Convenience located at 3507 Tully Road, Suite E-2 to operate as a utility pay 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1022

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARRANZA PHARMACY LOCATED AT 1620 CROWSLANDING ROAD, SUITE K TO OPERATE AS A UTILITY PAY STATION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carranza Pharmacy, located at 1620 Crowslanding Road, Suite K, to operate as a utility pay station

be, and it is hereby approved.

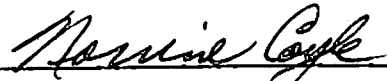
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1023

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND POSTAL CONVENIENCE TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Postal Convenience, located at 3507 Tully Road, Suite E-2, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1024

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARRANZA PHARMACY, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Carranza Pharmacy, located at 1620 Crowslanding Road, Suite K, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1025

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PARADISE DRUGS  
LOCATED AT 409 PARADISE ROAD TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Paradise Drugs, located at 409  
Paradise Road, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1026

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL'S REXALL #1  
LOCATED AT 130 N. SANTA CRUZ AVENUE, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Paul's Rexall #1, located at 130 N.  
Santa Cruz Avenue, to sell monthly bus passes

be, and it is hereby approved.

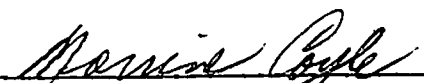
BE IT FURTHER RESOLVED that the execution of said agreement by the  
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1027

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BOOKSTORE LTD .  
LOCATED AT 2400 COFFEE ROAD, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and The Bookstore, Ltd., located at  
2400 Coffee Road, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1028

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE YOGURT PUMP #2, LOCATED AT 2401 E. ORANGEBURG, #320, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and The Yogurt Pump #2, located at 2401 E. Orangeburg, #320, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1029

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WE CASH #2,  
LOCATED AT 2900 STANDIFORD AVENUE, SUITE 17, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and We Cash #2, located at 2900 Standiford  
Avenue, Suite 17, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1030

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WE CASH #4  
LOCATED AT 3848 MCHENRY AVENUE, SUITE 180, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and We Cash #4, located at 3848 McHenry  
Avenue, Suite 180, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1031

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND READMORE BOOKSTORE #13, LOCATED AT 1700 MCHENRY AVENUE, SUITE 13, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Readmore Bookstore #13, located at 1700 McHenry Avenue, Suite 13, to sell monthly 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 17th day of October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1032

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND PARADISE REXALL DRUGS FOR AN INCREASE IN FEES PAID FOR UTILITY COLLECTIONS, FROM 15¢ PER TRANSACTION, TO 20¢ PER TRANSACTION (AMENDING RESOLUTION NO. 84-336)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Paradise Rexall Drugs for an increase in fees paid for utility collections, from 15¢ per transaction, to 20¢ per transaction, starting September 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1033

AMENDED

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL'S REXALL DRUGS, 130 N. SANTA CRUZ AVENUE, FOR AN INCREASE IN FEES PAID FOR UTILITY COLLECTIONS, FROM 15¢ PER TRANSACTION, TO 20¢ PER TRANSACTION (AMENDING RESOLUTION NO. 84-337)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Paul's Rexall Drugs, 130 N. Santa Cruz Avenue, for an increase in fees paid for utility collections, from 15¢ per transaction, to 20¢ per transaction, starting September 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1034

AMENDED  
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL'S REXALL DRUGS, 1031 W. ORANGEBURG AVENUE, FOR AN INCREASE IN FEES PAID FOR UTILITY COLLECTIONS, FROM 15¢ PER TRANSACTION, TO 20¢ PER TRANSACTION (AMENDING RESOLUTION NO. 84-338)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Paul's Rexall Drugs, 1031 W. Orangeburg Avenue, for an increase in fees paid for utility collections, from 15¢ per transaction, to 20¢ per transaction, starting September 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1035

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND SCENIC DRUG,  
FOR AN INCREASE IN FEES PAID FOR UTILITY COLLECTIONS, FROM 15¢ PER TRANSACTION,  
TO 20¢ PER TRANSACTION (AMENDING RESOLUTION NO. 84-339)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Scenic Drug for an increase in fees  
paid for utility collections, from 15¢ per transaction, to 20¢ per transaction  
starting September 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the  
designated 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 October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1036

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND MODEL PHARMACY FOR AN INCREASE IN FEES PAID FOR UTILITY COLLECTIONS, FROM 15¢ PER TRANSACTION TO 20¢ PER TRANSACTION (AMENDING RESOLUTION NO. 84-341)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Model Pharmacy for an increase in fees paid for utility collections, from 15¢ per transaction to 20¢ per transaction, starting September 1, 1989

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 October, 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1037

AMENDED

A RESOLUTION APPROVING/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 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 agreement by the designated 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 October , 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, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1038

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO AND SETTING HEARING FOR OBJECTIONS OR PROTESTS RELATING TO THE PROPOSED WORK

WHEREAS, Chapter 27 of Part 3 of Division 7 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.

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

SECTION 1. The Council of the City of Modesto upon its own motion hereby orders the installation of the improvements described in the notices to be mailed to each property owner.

SECTION 2. The Superintendent of Streets is hereby directed to deliver, mail and post said notices in the manner specified in Sections 5876 through 5879 of the Streets and Highways Code.

SECTION 3. The 14th day of November, 1989, at 7:30 o'clock p.m. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California is set as the time and place where the Council will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested person relating to the proposed work.

SECTION 4. The Superintendent of Streets is hereby authorized to implement the provisions of this resolution in accordance with the procedure contained in Chapter 27, Part 3, 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 17th day of October, 1989, by Councilmember McGrath, 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, McGrath, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

1. Curb along E. Fairmont Avenue, at 935 Patricia Lane, a portion of Block 654 (Barbara A. Watson)
2. Curb at 226 E. Fairmont Avenue, a portion of Block 645 (Arlene Donaldson)
3. Curb at 234 E. Fairmont Avenue, a portion of Block 645 (Jean M. Tarabek)
4. Curb at 232 E. Fairmont Avenue a portion of Block 645 (Lee J. Quinton)
5. Curb along Melrose Avenue at 425-427 Corson avenue, a portion of Block 659 (Robert L. Crisp)
6. Curb and Sidewalk at 1335 Nelson Avenue, a portion of Block 1136 (Terry Carson)
7. Curb and Sidewalk along Nelson Avenue at 1305 Nelson Avenue, a portion of Block 1136 (Sandra C. Sample)
8. Curb and Sidewalk at 1313 Nelson Avenue, a portion of Block 1136 (Edgar J. Cochren)
9. Curb and sidewalk at 324 S. Emerald Avenue, a portion of Block 4117 (Adelle Brown)
10. Curb and Sidewalk at 400 S. Emerald Avenue, a portion of Block 4117 (Miner E. Cole, Sr.)
11. Curb and Sidewalk at 412 S. Emerald Avenue, a portion of Block 4117 (Ralph Ball)
12. Sidewalk at 1225 Wellesley Avenue, Lot 18 of Block 6011 (Timothy P. McQuade)
13. Curb along Brady Avenue at 414 Griswold Avenue, Lot 1 of Block 713 (Robert L. Combs)
14. Sidewalk at 1221 Mills Avenue, a portion of Block 6010 (Bill S. Barr)
15. Sidewalk at 1231 Mills Avenue, a portion of Block 6010 (Norma J. Jussell)
16. Sidewalk along Wellesley Avenue at 1030 Ulrich Avenue, Lot 20 of Block 6011 (Gordon N. Keats)
17. Sidewalk along Mills Avenue at 1008 Ulrich Avenue, Lot 1 of Block 6010 (Dalise Cassebarth)
18. Sidewalk along I Street and 13th Street at 1217 I Street, Lots 13 thru 16 of Block 93 (Rudy DeKleua)
19. Sidewalk at 1015 8th Street, Lots 11 and 12 of Block 41 (Farmers Warehouse Co., Inc.)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1039

A RESOLUTION APPROVING THE FINAL MAP OF THE COPPER CREEK  
NO. 2 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 15.561 acres, known as the Copper Creek No. 2 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. 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 17th day of October, 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, McGrath, 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. 89-1040

A RESOLUTION APPROVING THE FINAL MAP OF THE MANCHESTER COURT SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, LYON/REDEV ASSOCIATES II, a California General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.749 acres, known as the Manchester Court 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 April, 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 Manchester 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. This approval is subject to the condition that the subdivision agreements are executed by subdivider no later than October 27, 1989, or this resolution shall be deemed null and void.

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 on condition that the subdivision agreements are executed by subdivider no later than October 27, 1989, or this resolution shall be deemed null and void.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 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, McGrath, 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. 89-1041

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 27TH ASSEMBLY DISTRICT GENERAL ELECTION TO BE HELD JANUARY 30, 1990.

WHEREAS, a vacancy on the Modesto City Council has resulted due to the death of a Councilmember, and

WHEREAS, pursuant to Section 702 of the Charter of the City of Modesto, the City Council is responsible for appointing forthwith a person to fill said vacancy, and in the event the Council shall fail to fill said vacancy by appointment within thirty (30) days after said office shall have become vacant it shall forthwith cause an election to be held to fill said vacancy, and

WHEREAS, this vacancy will not be filled within the stated thirty (30) day appointment period, 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, and

WHEREAS, Tuesday, January 30, 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. A Special Municipal Election for the purpose of filling the vacancy which currently exists on the Modesto City Council is hereby called for Tuesday, January 30, 1990.

SECTION 2. The Special Municipal Election hereby called by the Council of the City of Modesto for Tuesday, January 30, 1990, should be consolidated with the State of California General Election to be held on Tuesday, January 30, 1990, at which election shall be submitted to the qualified electors of the City of Modesto an election to fill a vacancy on the Modesto City Council.

SECTION 3. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said Special Municipal Election with the State of California General Election to be held on January 30, 1990.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the due 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 24<sup>th</sup> day of October, 1989, by Councilmember McGrath, 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, McGrath, Muratore, Patterson

NOES: Councilmembers: 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. 89-1042

A RESOLUTION ACCEPTING THE BID OF CONTINENTAL LANDSCAPING FOR FURNISHING LANDSCAPE MAINTENANCE SERVICE AT VARIOUS CITY SITES

WHEREAS, Resolution No.89-887 , adopted by the Council of the City of Modesto on September 5, 1989 , approved the plans and specifications for the landscape maintenance service at various City sites

and authorized the calling for bids; and

WHEREAS, the bids received for the landscape maintenance service at various City sites were opened at 11:00 a.m. on October 2, 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 Continental Landscaping be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Continental Landscaping 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 October , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF BIBEN'S NURSERY FOR FURNISHING LANDSCAPE MAINTENANCE SERVICE AT VARIOUS CITY SITES

WHEREAS, Resolution No. 89-887 , adopted by the Council of the City of Modesto on September 5, 1989 , approved the plans and specifications for the landscape maintenance service at various City sites

and authorized the calling for bids; and

WHEREAS, the bids received for the landscape maintenance service at various City sites were opened at 11:00 a.m. on October 2, 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 Biben's Nursery be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Biben's Nursery 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 October , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1044

A RESOLUTION ACCEPTING THE BID OF AMERICAN LUMBER COMPANY FOR FURNISHING TREE STAKES

WHEREAS, Resolution No. 89-930 , adopted by the Council of the City of Modesto on September 19, 1989 , approved the plans and specifications for the purchase of Douglas fir pressure-treated tree stakes

and authorized the calling for bids; and

WHEREAS, the bids received for the tree stakes were opened at 11:00 a.m. on October 9, 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 American Lumber Company in the amount of \$5,909 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Lumber Company in the amount of \$5,909 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 October , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF PACIFIC NURSERY POTS, INC. FOR FURNISHING TREE POTS

WHEREAS, Resolution No. 89-929 , adopted by the Council of the City of Modesto on September 19, 1989 , approved the plans and specifications for the purchase of tree pots

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of tree pots were opened at 11:05 a.m. on October 9, 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 Pacific Nursery Pots, Inc. in the amount of \$5,883 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pacific Nursery Pots, Inc. in the amount of \$5,883 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 October , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF WILSON TRUCKING, INC. FOR FURNISHING SLUDGE REMOVAL SERVICES

WHEREAS, Resolution No. 89-947 , adopted by the Council of the City of Modesto on September 26, 1989 , approved the plans and specifications for the purchase of sludge removal services

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of sludge removal services were opened at 3:05 p.m. on October 16, 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 Wilson Trucking, Inc. at \$1.50 per yard be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wilson Trucking, Inc. at \$1.50 per yard 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 October , 1989 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF CONSOLIDATED ELECTRICAL DISTRIBUTORS OF  
MODESTO FOR FURNISHING SEVEN LIGHT STANDARDS

WHEREAS, Resolution No. 89-948 , adopted by the Council of the City of  
Modesto on September 26, 1989, approved the plans and specifications for the  
purchase of metal lighting standards

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of metal lighting standards  
were opened at 3:00 p.m. on October 16, 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  
Consolidated Electrical Distributors of Modesto in the amount of \$6,603.80  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Consolidated Electrical Distributors of Modesto  
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 October , 1989 , by  
Councilmember Muratore , who moved its adoption, which motion being duly  
seconded by Councilmember McGrath , was upon roll call carried and the  
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1048

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

WHEREAS, the Personnel Office has requested this purchase to keep track of all the applicants for City positions as well as managing the City's Affirmative Action Program; and

WHEREAS, informal bids were solicited, with Chuck's Computers of Modesto 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 computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment from Chuck's Computers of Modesto for the total price of \$7,025.68, 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 October, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE EXTENSION OF THE SISK AND PELANDALE WATERLINE

WHEREAS, Resolution No. 89-928 , adopted by the Council of the City of Modesto on September 19, 1989, approved the plans and specifications for the extension of the Sisk and Pelandale waterline

and authorized the calling for bids; and

WHEREAS, the bids received for the extension of the Sisk and Pelandale waterline were opened at 11:00 a.m. on October 12, 1989, 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 Joe Martin Pipeline, Inc. in the amount of \$55,330 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$55,330 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 October , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1050

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$56,000 FROM CONTINGENCY RESERVE TO FUND THE WATERLINE EXTENSION AT SISK AND PELANDALE**

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

FROM: Contingency Reserve (610 800 8000 8003)	\$56,000
TO: Extend Mains Various Locations (610 480 P804 6000)	\$56,000

More water main construction has been required than was anticipated during the Capital Improvement Program process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1051

A RESOLUTION ACCEPTING THE CROCKER BUILDING RESTROOM REMODEL FOR THE FINANCE DEPARTMENT, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Crocker Building restroom remodel for the Finance Department has been completed by Howell Construction in accordance with the contract agreement dated February 14, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the Crocker Building restroom remodel

be accepted from said contractor, Howell Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$17,696.50 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 24th day of October, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1052

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JUAN R. AND ELENA CORONADO FOR SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1718 EUREKA STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Juan R. and Elena Coronado for sewer service to property outside the City limits at 1718 Eureka Street, located on the east side of Eureka Street, between Butte Avenue and Colusa 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 24th day of October , 19 89 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McGrath , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1053

A RESOLUTION APPROVING THE FINAL PARCEL MAP OF MID-VALLEY BUSINESS CENTER OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SUBDIVIDER. (UNION PACIFIC RAILROAD COMPANY)

WHEREAS, UNION PACIFIC RAILROAD COMPANY, a Utah corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 38.755 acres, known as Mid-Valley Business Center, and

WHEREAS, a vesting tentative parcel map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of April, 1988, and

WHEREAS, approval of the vesting tentative parcel map was subject to the condition that a subdivision agreement be executed providing financial guarantees for street trees and street improvements consistent to City standards of Glenn Avenue along the south side of Parcels 1 and 2, and for one-quarter cost of the railroad crossing, said financial guarantee being for a minimum 40-foot part-width street, and providing that the agreement be approved by the City Attorney's Office prior to recordation of the parcel map, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final parcel map of said tract substantially conforms to the approved vesting tentative parcel map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final parcel map of said Mid-Valley Business Center 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 final parcel map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final parcel 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 final parcel 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, a subdivision 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 October, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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. 89-1054

A RESOLUTION GRANTING APPROVAL TO THE AMERICAN LEGION POST NO. 74 TO CONDUCT A VETERANS' DAY PARADE IN THE CITY OF MODESTO ON SATURDAY, NOVEMBER 11, 1989, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the American Legion Post No. 74 (hereinafter referred to as "the Legion") has filed an Application for Direct City Assistance to use portions of city streets and for the City to provide traffic control, relating to a Veterans' Day Parade to be held on Saturday, November 11, 1989 for use of Downey Community Park in connection with the parade in celebration of Veterans' Day, and

WHEREAS, the 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 City Council deems it appropriate to grant approval to the Legion relating to said Veterans' Day Parade and to grant the Legion's request for traffic control and for the use of Downey Community Park for assembly purposes in connection with the parade, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the Application for Direct City Assistance filed by the Legion relating to a Veterans' Day Parade to be held on Saturday, November 11, 1989, subject to the following conditions:

1. The parade assembly will take place on November 11, 1989, at the Downey Community Park parking area from approximately 8:30 a.m. to 9:30 a.m. The parade will commence on November 11, 1989, at approximately 9:30 a.m. and terminate at approximately 11:00 a.m.

2. The parade route, subject to the approval of the Chief of Police, will include Brighton Avenue from Downey Community Park west to Coffee Road, Coffee Road from Brighton Avenue south to Scenic Drive, and Scenic Drive from Coffee Road west to Saint Stanislaus Catholic Cemetery, a total distance of approximately 1.6 miles.
3. The City of Modesto will provide one (1) Patrol Car and two (2) Motorcycle Officers to maintain traffic control along the parade route.
4. The Parks and Recreation Department will reserve the Downey Community Park parking area for parade assembly on November 11, 1989 from approximately 8:00 a.m. to 10:00 a.m.
5. The Legion shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Veterans' Day parade which accumulates as a result of the parade.
6. The Legion shall indemnify and hold harmless the City of Modesto, its officers, agents and employees from and against any and all costs, damages, injuries, liability or loss to persons or property which may arise out of or in any way be connected with the Veterans' Day parade, and use of Downey Community Park and all streets, within the City for the aforementioned Veterans' Day parade.
7. The Legion agrees to provide by November 3, 1989, and keep in force on November 10 and 11, 1989, a policy acceptable to the Risk Manager of the City of Modesto of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned Veterans' Day parade, with combined single limits of Five Hundred Thousand (\$500,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Five Hundred Thousand (\$500,000.00) Dollars for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the Legion, under the terms of this resolution. Certificate(s) evidencing the insurance shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Legion with a copy of this resolution. The Legion 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 24 day of October, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 89-1054 pertaining to the 1989 Veterans Day Parade sponsored by the American Legion Post No. 74.

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

AMERICAN LEGION POST NO. 74,  
a non-profit organization

By\_\_\_\_\_

By\_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1055

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(466). (RIDGE SUTTER - SUTCO CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Ridge Sutter - Sutco Construction on July 31, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a one- and two-story townhouse condominium, property located on the southeast corner of Rumble Road and Lou Ann Drive, described as follows:

All that certain real property situate in a portion of the Southwest quarter of Section 12 and the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel "C" as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on April 25, 1975, in Volume 21 of Parcel Map, Page 16. Including the Northwestern 30.00 feet of 60.00 foot Brenner Way, Northeastern 30.00 feet of 60.00 foot wide Lou Ann Drive, and the South 30.00 feet of 60.00 foot wide West Rumble Road and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on September 18, 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. 89-115, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The townhouse condominium density at 10.7 dwellings per acre is slightly over R-1 density but well below R-2 density that has long been predicted for this area.

2. The development plan conforms to all City standards and includes provision for privacy from second-story windows.
3. The development plan exceeds the parking requirements for projects with one-and-two-car garages.

and

WHEREAS, after a public hearing held on November 7, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Ridge Sutter - Sutco Construction 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. 89-115 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2689-C.S. on the 7th day of November, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(466).

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(466), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan - Promenade Park Townhouses" as amended in red, stamped approved by the Planning Commission on September 18, 1989.
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. Six (6) foot wood fence with decorative masonry pilasters along the east and portions of the south and southeast property lines.
  - b. Six (6) foot double sided wood, stucco, or masonry wall or fence around all patios.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All curbcuts serving two-way driveways shall be 41 feet in width.
6. 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.
7. Drainage shall be provided as required by the Public Works and Transportation Director.
8. 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.
9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
10. All signs shall comply with the sign requirements of the R-2 Zone.
11. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
12. 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 Homeowners Association to guarantee common facility and private property maintenance in accordance with the approved plans.
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. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(466):

The entire construction program be accomplished in one phase, construction to begin on or before September 18, 1991, and completion to be not later than September 18, 1992.

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(466), 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 November, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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 Greg J. Van  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1056

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 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(466). (RIDGE SUTTER - SUTCO CONSTRUCTION)

WHEREAS, on November 7, 1989, the City Council introduced Ordinance No. 1056-C.S. giving approval to a project relating to an amendment to Section Map 13-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(466), property located on the southeast corner of Rumble Road and Lou Ann 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 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 13-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(466), property located on the southeast corner of Rumble Road and Lou Ann Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, 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. 89-1057

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 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-2. (UNITED HOMES, INC.)

WHEREAS, on November 7, 1989, the City Council introduced Ordinance No. 2690 -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, to Medium Density Residential Zone, R-2, 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 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 23-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, 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 7th day of November, 1989, by Councilmember McGrath, who moved its 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, McGrath, 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

A RESOLUTION ACCEPTING THE BID OF JAMES M. TOCCO FOR PURCHASE OF SURPLUE HOUSE AT 2955 LINCOLN AVENUE IN DRY CREEK PARK

WHEREAS, Resolution No. 89-972 , adopted by the Council of the City of Modesto on October 3, 1989 , approved the plans and specifications for the sale of house at 2955 Lincoln Avenue in Dry Creek Park

and authorized the calling for bids; and

WHEREAS, the bids received for the sale of house at 2955 Lincoln Avenue in Cry Creek Park

were opened at 10:00 a.m. on November 7, 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 James M. Tocco in the amount of \$21,400.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of James M. Tocco in the amount of \$21,400.00 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 November , 1989 , by Councilmember McGrath , who moved its 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1059

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE CULPEPPER WATERLINE EXTENSION

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

SECTION 1. The plans and specifications for the Culpepper 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 November 30, 1989, 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 November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1060

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$100,000 FROM CONTINGENCY RESERVE TO COVER WATERLINE EXTENSIONS**

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

FROM:	Contingency Reserve (610 800 8000 8003)	\$100,000
TO:	Extend Mains - Various Locations (610 480 P804 6000)	\$100,000

It has been necessary to extend mains to accommodate subdivision development that was not anticipated at budget time. The transfer of additional funds will be used to fund anticipated projects of this nature during the remainder of the budget year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1061

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR THE DIVERSION STRUCTURE - M.I.D. LATERAL NO. 2  
AT McCLURE ROAD

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

SECTION 1. The plans and specifications for the diversion structure -  
M.I.D. Lateral No. 2 at McClure 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 November 30, 1989, 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 7th day of November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1062

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FOR A TEMPORARY LOAN OF \$64,840 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO FINANCE THE DIVERSION STRUCTURE - MID LATERAL NO. 2 AT MCCLURE ROAD.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an advance from the General Fund (Fund No. 010) to finance the Diversion Structure - MID Lateral No. 2 at McClure Road, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1989-90 to provide an advance of \$64,840 from the General Fund (Fund No. 010) to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$64,840 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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, McGrath, 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. 89-1063

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING DISCING SERVICES

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

SECTION 1. The plans and specifications for furnishing discing services

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 4, 1989, 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 November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF RAGSDALE AND SON, INC. FOR THE POLICE PARKING LOT (10TH AND F STREETS)

WHEREAS, Resolution No. 89-970 , adopted by the Council of the City of Modesto on October 3, 1989 , approved the plans and specifications for the Police parking lot (10th and F Streets)

and authorized the calling for bids; and

WHEREAS, the bids received for the Police parking lot (10th and F Streets) were opened at 11:05 a.m. on October 19, 1989 , 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 Ragsdale and Son, Inc. in the amount of \$23,407 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale and Son, Inc. in the amount of \$23,407 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 November , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1065

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE SEWER AND WATERLINE RELOCATION AT N. MADISON STREET AND LINDEN STREET

WHEREAS, Resolution No.89-993 , adopted by the Council of the City of Modesto on October 10, 1989 , approved the plans and specifications for the sewer and waterline relocation at N. Madison Street and Linden street

and authorized the calling for bids; and

WHEREAS, the bids received for the sewer and waterline relocation at N. Madison Street and Linden Street were opened at 11:00 a.m. on October 26, 1989 , 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 in the amount of \$133,505.60 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction in the amount of \$133,505.60 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 November , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF NORTHERN BUSINESS GROUP FOR FURNISHING DIGESTER CLEANING SERVICES

WHEREAS, Resolution No. 89-945 , adopted by the Council of the City of Modesto on September 26, 1989, approved the plans and specifications for the purchase of digester cleaning services

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of digester cleaning services were opened at 11:05 a.m. on October 16, 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 Northern Business Group in the amount of \$15,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Northern Business Group in the amount of \$15,000 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 7th day of November , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF MONTEODORO-WHITNEY CORP. FOR FURNISHING WASTEWATER FLOW MONITORING EQUIPMENT

WHEREAS, Resolution No. 89-946 , adopted by the Council of the City of Modesto on September 26, 1989 , approved the plans and specifications for the purchase of wastewater flow monitoring equipment

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of wastewater flow monitoring equipment were opened at 11:00 a.m. on October 16, 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 Montedoro-Whitney Corp. in the amount of \$11,908 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Montedoro-Whitney Corp. in the amount of \$11,908 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 November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1068

A RESOLUTION ACCEPTING THE TRAFFIC SIGNAL MODIFICATION AT SIX LOCATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the traffic signal modification at six locations

has been completed by Collins Electrical Company, Inc.

in accordance with the contract agreement dated June 13, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the traffic signal modification  
at six locations

be accepted from said contractor, Collins Electrical Company, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$70,535 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 November,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1069

A RESOLUTION ACCEPTING THE MCHENRY MANSION MASONRY WALL AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the construction of the McHenry Mansion masonry wall

has been completed by Fence Systems, Inc.

in accordance with the contract agreement dated June 6, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the construction of the McHenry  
Mansion masonry wall

be accepted from said contractor, Fence Systems, Inc. ;  
that notice of completion be filed with the Recorder of Stanislaus County  
and that payment of amounts due in the amount of \$10,500 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 November,  
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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1070

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

WHEREAS, the Public Works Department has requested this purchase to provide them with the capability to perform hydraulic analysis, computer-aided design engineering, and modeling for various designs; and

WHEREAS, informal bids were solicited, with Chuck's Computers of Modesto 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 computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment from Chuck's Computers of Modesto for the total price of \$6,560, 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 November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1071

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF FACILITIES TO CLOSE OFF THE CITY HALL BASEMENT GARAGE FROM OUTSIDE INTRUSION AFTER WORKING HOURS

WHEREAS, immediate action needs to be taken to secure the parking garage after normal working hours from outside intrusion and vandalism; and

WHEREAS, the estimated cost to perform the work is \$18,000, which will involve installing two gates, sealing the stairway on the north end of the garage, and modifying the stairway on the south end of the garage to allow a gate to close off the garage from the patio.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase and installation of facilities to close off the basement garage from outside intrusion and vandalism after working hours is hereby waived.

BE IT FURTHER RESOLVED that authorization in the amount of \$18,000 to purchase and install the necessary facilities to close off the City Hall basement garage 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 November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1072

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FINANCING FOR A NEW CAPITAL IMPROVEMENT PROJECT.

WHEREAS, it has been determined that a new Capital Improvement Project is needed to provide nighttime security at the City Hall Basement Garage Facility, and

WHEREAS, the new project will be budgeted in Fund 130, Special Fund for Capital Outlays, and

WHEREAS, funding for the project will be provided by Fund 010, the General Fund Contingency Reserve,

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/Agcy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Expenditures</u>		
130/490/P899/6000	C.H. Garage-Security Modifications	\$18,000
010/700/7000/7130	Transfer out to Fund 130	18,000
010/800/8000/8003	General Fund Contingency Reserve	(18,000)
<u>Revenues</u>		
130/700/7000/9010	Transfer in from Fund 010	18,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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, McGrath, 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. 89-1073

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE 1989 FUEL EFFICIENT TRAFFIC SIGNAL MANAGEMENT PROGRAM (FETSIM)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Caltrans to increase Modesto's 1989 FETSIM grant from \$100,000 to \$117,415

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1074

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FORMALLY ENROLL THE CITY OF MODESTO IN THE GLOBAL CITIES PROJECT/EARTH DAY 1990 AND AUTHORIZING THE EXPENDITURE OF \$2,000 FOR MEMBERSHIP FEE.

WHEREAS, on June 20, 1989, the City Council approved a motion to participate in the Global Cities Project/Earth Day 1990, and

WHEREAS, completion of a Membership Enrollment Form and payment of a membership fee of \$2,000 is necessary to formalize the City's participation in this worthwhile project, and

WHEREAS, there were 20 million participants in the First Earth Day held in 1970, and from that event came subsequent beneficial environmental legislation, and

WHEREAS, this project is being coordinated by Denis Hayes through Stanford University, and it is anticipated that other local agencies will participate, including schools, environmental groups, and Stanislaus County, and

WHEREAS, various activities by which the City of Modesto may participate in Global Cities Project/Earth Day 1990 include an ecology fair, additional tree planting in conjunction with Arbor Day, and other activities that would raise public awareness and understanding about water conservation and recycling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager be, and hereby is, authorized to execute the necessary enrollment form to formally enroll the City of Modesto in the Global Cities Project/Earth Day 1990.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager be, and hereby is, authorized to expend the sum of \$2,000 for the membership fee required to enroll the City of Modesto in the Global Cities Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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, McGrath, 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. 89-1075

**A RESOLUTION APPROVING APPROPRIATION TRANSFER** OF \$16,000 TO INSTALL YELLOW FLASHING BEACONS AND TO ENHANCE SCHOOL ZONE SIGNAGE AT DOWNEY AND DAVIS HIGH SCHOOLS

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

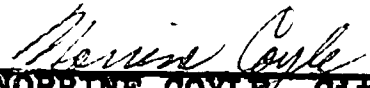
FROM:	Briggsmore/Orangeburg S.W. (051 430 P289 6000)	\$16,000
TO:	Coffee/Tully Beacons (051 160 P897 6000)	\$16,000

It is necessary to transfer funds in order to provide school flashing beacons at Davis and Downey High Schools.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1076

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED S. PELUCCA FOR LEASE OF HIS PROPERTY AT F AND 10TH STREETS

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Alfred S. Pelucca, for lease of his property at F and 10th 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 7th day of November, 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1077

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND WEST AIR AIRLINES, dba UNITED EXPRESS TO INCREASE TERMINAL FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and West Air Airlines, dba United Express to increase terminal 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 7th day of November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Noirine Coyle*  
NOIRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1078

A RESOLUTION ACCEPTING A SUPPLEMENTAL FEDERAL GRANT OFFER FOR THE WATER QUALITY CONTROL TREATMENT PLANT IMPROVEMENT PROJECT (UNITS 2 & 3)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the supplemental Federal Grant offer in the amount of \$741,755, for the Water Quality Control Treatment Plant Improvement Project (Units 2 & 3) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said supplemental grant offer by the designated 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 November, 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1079

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILLIP D. OVERHOLTZER, INC. TO REIMBURSE HIM FOR CONSTRUCTION OF STORM DRAIN BASIN MODIFICATIONS IN SHAKER ESTATES SUBDIVISION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Phillip D. Overholtzer, Inc. to reimburse him for construction of storm drain basin modifications in Shaker Estates Sub-division located on Whitmore Avenue, west of 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 7th day of November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1080

AMENDED

A RESOLUTION APPROVING/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 amended 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 7th day of November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Noirine Coyle*  
NOIRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1081

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR  
PUBLIC RESOURCES ACCOUNT AQUEDUCT PARK PROJECT.

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(s) before submission of said application(s) to the  
state, and

WHEREAS, said application(s) 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(s),

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; and
5. Appoints the City Manager 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 7th day of November, 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, McGrath, 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. 89-1082

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND M.I.D., CONSENTING TO COMMON USE FOR CROSSING M.I.D. LATERAL NO. 3 AT ROSELLE AND BRIGGSMORE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and M.I.D., consenting to common use for crossing M.I.D. Lateral No. 3 at Roselle and Briggsmore

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1083

A RESOLUTION APPROVING THE FINAL MAP OF THE ORANGEBURG  
TERRACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Vinson Chase, Inc., a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.101 acres, known as the Orangeburg Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto 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 Orangeburg Terrace Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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 7 day of November, 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, McGrath, 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. 89-1084

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORLY BOHORQUEZ FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 131 IMPERIAL AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Orly Bohorquez, for sewer service to property outside City limits at 131 Imperial 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 7th day of November , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1085

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRST FIDELITY REALTY GROUP, INC. FOR REPAYMENT OF CANAL CROSSING FEES ON PROPERTY OUTSIDE THE CITY LIMITS ON THE EAST SIDE OF ROSELLE AVENUE AT MERLE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and First Fidelity Realty Group, Inc. for repayment of canal crossing fees on property outside the City limits on the east side of Roselle Avenue at Merle

be, and it is hereby approved.

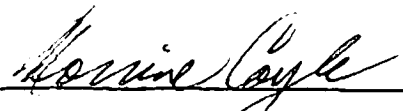
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November , 19 89 , 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, Muratore, Patterson  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, McGrath

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1086

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROMA DESIGN GROUP FOR PREPARATION OF A SPECIFIC PLAN, FINANCING PLAN, EIR, AND RELATED STUDIES FOR VILLAGE 1

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 preparation of a specific plan, financing plan, EIR, and related studies for Village 1

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November , 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, McGrath, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Noorine Coyle*  
NOORINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1087

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ECONOMIC AND PLANNING SYSTEMS, INC. FOR PREPARATION OF A SPECIFIC PLAN, FINANCING PLAN, EIR, AND RELATED STUDIES FOR VILLAGE 1

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Economic and Planning Systems, Inc. for preparation of a specific plan, financing plan, EIR, and related studies for Village 1

be, and it is hereby approved.

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

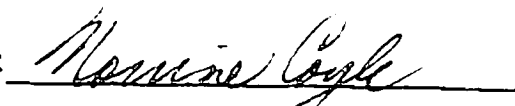
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November , 19 89 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1088

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND 911 EMERGENCY SERVICES, INC., dba ESCORT TRANSPORTATION SERVICES FOR LEASE AT AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and 911 Emergency Services, Inc., dba Escort Transportation Services for lease 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 7th day of November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1089

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES E. AND SUSANN A. COLEMAN FOR SALE OF HOUSE ON DRY CREEK GOLF COURSE PROJECT SITE AT 535 N. RIVERSIDE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and James E. and Susann A. Coleman for sale of house on Dry Creek Golf Course project site at 535 N. Riverside

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 19 89 , 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, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1090

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE DIANNA TO HARVEST WALNUTS ON FORMER SCOTT PROPERTIES (DRY CREEK GOLF COURSE PROJECT)

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Joe DiAnna to harvest walnuts on former Scott properties (Dry Creek Golf Course project)

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November , 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1091

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING APPEAL OF DAMRELL, DAMRELL & NELSON, ON BEHALF OF NATIONAL MEDICAL HOSPITAL OF MODESTO, INC. TO A DECISION OF THE PLANNING COMMISSION CONCERNING AN APPLICATION FOR A TENTATIVE PARCEL MAP TO DIVIDE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WEST GRANGER AVENUE AND FLORIDA AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 21, 1989, 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 of Danrell, Damrell & Nelson, on behalf of National Medical Hospital of Modesto, Inc., to a decision of the Planning Commission concerning an application for a tentative parcel map to divide property located at the southwest corner of West Granger Avenue and Florida Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1093

A RESOLUTION APPOINTING MEMBERS OF THE YOUTH COMMISSION

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  
Youth Commission for the respective term as indicated:

SEE SCHEDULE "A"

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed member of the 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 7th day of November , 19 89 ,  
by Councilmember McGrath , who moved its 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, McGrath, Muratore, Patterson, Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, CITY CLERK

Committees  
Youth Commission

The following students have been recommended by their respective Principals for appointment by the City Council to the Youth Commission for a one year term to expire June 1990:

Beyer High School  
Shell Pfeifle  
3428 Norton Place  
Modesto, Ca 95355  
526-1906

Central Catholic High School  
Stephanie Gallo  
891 S. Hopper Road  
Modesto, Ca 94351  
521-1746

Davis High School  
Tara Dixon  
2704 College Avenue  
Modesto, CA 94350  
526-0432

Downey High School  
Susan Rowland  
3821 Atwood Drive  
Modesto, Ca 95356  
577-0815

Modesto Christian High School  
Michelle Driver  
2737 North Avenue  
Modesto, Ca 95351  
524-7480

Modesto High School  
Peter Caster, Chairperson  
2013 Sharilyn Drive  
Modesto, Ca 95355  
526-3993

The following students have been recommended by their respective Principals for appointment by the City Council to the Youth Commission for a two year term to expire June 1991:

Beyer High School  
Windee Varton  
3524 Brentford Way  
527-7799

Central Catholic High School  
Ernest Gallo  
891 S. Hopper Road  
521-1746

Davis High School  
Barrett Cohn  
611 Magnolia Avenue  
Modesto, CA 94354  
576-0522

Downey High School  
Leon Schorr  
2720 Raintree Place  
Modesto, Ca 95355  
577-1449

Modesto Christian High School  
Kimberly Hearing  
2601 Barola Lane  
Modesto, Ca 95356  
526-2802

Modesto High School  
Ruben Villalobos  
1416 Tonopah  
Modesto, Ca 95351  
576-0522

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1094

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION  
HELD IN THE CITY OF MODESTO ON NOVEMBER 7, 1989, AND  
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 7, 1989, a Regular Municipal Election which was a consolidated Districts election (herein called the "election"), was held in the City of Modesto (herein called the "City") and in the Modesto High School District (herein called the "District") of Stanislaus County for the purpose of electing one Councilmember for Chair No. 2, one Councilmember for Chair No. 4, and one Councilmember for Chair No. 5 to the City Council of City, for a term of four years each; and to elect four members to the Modesto Board of Education of said District for a term of four years; and to submit to the qualified electors thereof proposals to amend the Charter of the City of Modesto, Measures A through K, as hereinafter set forth, and

WHEREAS, said election was held on Tuesday, November 7, 1989, 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 Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the City Clerk canvassed the returns of said 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 13, 1989, a copy of which is attached hereto marked Exhibit "A" and made a part hereof,

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

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the 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 persons having received a majority of the votes cast for the elective offices as designated on Exhibit "A", are 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 each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of said City, to wit:

Frank S. Jeans	Member, Modesto Board of Education, for a term of four years.
Paul Neumann	Member, Modesto Board of Education, for a term of four years.
Margaret E. Snyder	Member, Modesto Board of Education, for a term of four years.
John L. Hollis	Member, Modesto Board of Education, for a term of four years.
Charles V. Bird	Councilmember for a term of four years, Chair No. 2.
Richard G. Patterson	Councilmember for a term of four years, Chair No. 4.
Richard A. Lang	Councilmember for a term of four years Chair No. 5.

4. At the election the following measures (herein called the "measures") were submitted to the electors of the City and the number of votes given in the City for and against said measures were as follows:

<u>City of Modesto Charter Proposals</u>		<u>Total Votes For</u>	<u>Total Votes Against</u>
Measure A	Amend Charter to make the Charter gender neutral. As currently in effect, the Charter reflects the masculine and not the feminine.	11,260	4,890
Measure B	Amend Charter to clarify that whenever candidates for any elected office receive an equal number of votes, the successful candidate shall be selected by drawing of lots.	9,595	6,349
Measure C	Amend Charter to eliminate the superseded provision of selecting councilmembers by the highest number of votes at a regular municipal election. This amendment will bring Section 700 into conformance with Section 300 as amended in 1987, which provides for run-off elections.	11,436	4,049
Measure D	Amend Charter to delete any reference to the Council appointing one of the other officers of the City to serve as manager pro tempore during any absence or disability of the City Manager, as a Deputy City Manager is an established unclassified position in the City of Modesto.	10,982	4,322
Measure E	Amend Charter to extend from 90 days to 135 days the time in which the City Manager may prepare and submit to the City Council a complete report on the finances and administrative activities of the City for the preceding year.	7,811	7,853
Measure F	Amend Charter to permit the City Manager to make and execute contracts on behalf of the City involving budgeted or appropriated expenditures which do not exceed an amount to be established by ordinance of the City Council.	9,184	6,392

City of Modesto Charter Proposals		(continued)	Total Votes For	Total Votes Against
Measure G	Amend Charter to delete certain provisions regarding the City's taxing authority in order to be in compliance with Article XIII-A of the California Constitution.		10,544	4,613
Measure H	Amend Charter to provide that every project involving an expenditure of City moneys of more than an amount to be specified by ordinance of the City Council for construction or improvement of certain public work shall be let by contract to the lowest responsible bidder.		11,260	4,288
Measure I	Amend Charter to permit the City Attorney to prosecute certain violations of City Ordinances as a misdemeanor or as an infraction.		11,245	4,080
Measure J	Amend Charter to provide for compensation for the Mayor and members of the City Council to be in the sum of \$1,000.00 for the Mayor and \$800.00 for each Council member per month, an adjustment factor of 20% of this base amount for each additional 50,000 persons added to the City's population, and medical insurance, dental and vision coverage for each member of the Council.		5,874	10,008
Measure K	Amend Charter to provide for an alternative method of selecting a hearing officer for disciplinary actions when there is language in an employee group's Memorandum of Understanding specifying such method.		8,494	6,654

5. The total number of votes cast in the City at the election and the total number of votes given in each precinct and by absentee voters of the City for and against said measures were and are as set forth in said canvass by the City Clerk as shown on said Exhibit "A", and "B" which are attached hereto and made a part hereof.

6. More than a majority of all of the votes cast at the election on Measures A, B, C, D, F, G, H, I, K were in favor of said Charter Proposals and the City Council hereby finds and determines and declares that said Charter Proposals did carry and were approved and ratified by a majority of the qualified voters voting on said Charter Proposals.

7. More than a majority of all of the votes cast at the election on Measures E and J were against said Charter Proposals and the City Council hereby finds and determines and declares that said Charter Proposals did not carry and were not approved and ratified by a majority of the qualified voters voting on said Charter Proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1989, by Councilmember McGrath, who moved its 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, McGrath, 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 OF CANVASS  
AND STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION

November 7, 1989

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 9, 1989, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 7, 1989, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Member, Modesto Board of Education

Frank Jeans	11,466	16.7%
Paul Neumann	11,097	16.2%
Margaret Snyder	10,005	14.6%
John Hollis	9,828	14.3%
Randy Whitman	7,894	11.5%
Tony Pinheiro	7,769	11.3%
Ricky McGill	5,600	8.1%
Russell Rapp	4,708	6.8%

Chair 2, Modesto City Council

Charles Bird	8,203	50.8%
Gordon Hart	4,906	30.3%
Dave Haley	1,968	12.1%
George Russell	1,066	6.6%

Chair 4, Modesto City Council

Richard Patterson	11,771	100.0%
-------------------	--------	--------

Chair 5, Modesto City Council

Richard Lang	11,840	100.0%
--------------	--------	--------

Measure A

Yes	11,260	69.7%
No	4,890	30.2%

Measure B

Yes	9,595	60.1%
No	6,349	39.8%

Measure C

Yes	11,436	73.8%
No	4,049	26.1%

WPCLK354

*Exhibit "A"*

Measure D

Yes	10,982	71.7%
No	4,322	28.2%

Measure E

Yes	7,811	49.8%	✓
No	7,853	50.1%	

Measure F

Yes	9,184	58.9%
No	6,392	41.0%

Measure G

Yes	10,544	69.5%
No	4,613	30.4%

Measure H

Yes	11,260	72.4%
No	4,288	27.5%

Measure I

Yes	11,245	73.3%
No	4,080	26.6%

Measure J

Yes	5,874	36.9%	✓
No	10,008	63.0%	

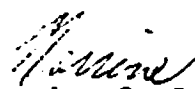
Measure K

Yes	8,494	56.0%
No	6,654	43.9%

Voter turnout

City of Modesto	17,429	24.2%
-----------------	--------	-------

Modesto High School District	20,201	22.3%
------------------------------	--------	-------

  
Norrine Coyle  
City Clerk & Auditor  
City of Modesto

November 13, 1989

REGISTRATION NUMBER	REGISTERED VALUE	SALES TAX	TURNOVER	CHARTER AMENDMENT CITY	CHARTER AMENDMENT CITY	CHARTER AMENDMENT CITY	CANDIDATE FEES	CHARTER AMENDMENT CITY	CHARTER AMENDMENT CITY	CHARTER AMENDMENT CITY	CHARTER AMENDMENT CITY
				YES	NO	YES	NO	YES	NO	YES	NO
1001	100	100	100								
1002	100	100	100								
1003	100	100	100								
1004	100	100	100								
1005	100	100	100								
1006	100	100	100								
1007	100	100	100								
1008	100	100	100								
1009	100	100	100								
1010	100	100	100								
1011	100	100	100								
1012	100	100	100								
1013	100	100	100								
1014	100	100	100								
1015	100	100	100								
1016	100	100	100								
1017	100	100	100								
1018	100	100	100								
1019	100	100	100								
1020	100	100	100								
1021	100	100	100								
1022	100	100	100								
1023	100	100	100								
1024	100	100	100								
1025	100	100	100								
1026	100	100	100								
1027	100	100	100								
1028	100	100	100								
1029	100	100	100								
1030	100	100	100								
1031	100	100	100								
1032	100	100	100								
1033	100	100	100								
1034	100	100	100								
1035	100	100	100								
1036	100	100	100								
1037	100	100	100								
1038	100	100	100								
1039	100	100	100								
1040	100	100	100								
1041	100	100	100								
1042	100	100	100								
1043	100	100	100								
1044	100	100	100								
1045	100	100	100								
1046	100	100	100								
1047	100	100	100								
1048	100	100	100								
1049	100	100	100								
1050	100	100	100								
1051	100	100	100								
1052	100	100	100								
1053	100	100	100								
1054	100	100	100								
1055	100	100	100								
1056	100	100	100								
1057	100	100	100								
1058	100	100	100								
1059	100	100	100								
1060	100	100	100								
1061	100	100	100								
1062	100	100	100								
1063	100	100	100								
1064	100	100	100								
1065	100	100	100								
1066	100	100	100								
1067	100	100	100								
1068	100	100	100								
1069	100	100	100								
1070	100	100	100								
1071	100	100	100								
1072	100	100	100								
1073	100	100	100								
1074	100	100	100								
1075	100	100	100								
1076	100	100	100								
1077	100	100	100								
1078	100	100	100								
1079	100	100	100								
1080	100	100	100								
1081	100	100	100								
1082	100	100	100								
1083	100	100	100								
1084	100	100	100								
1085	100	100	100								
1086	100	100	100								
1087	100	100	100								
1088	100	100	100								
1089	100	100	100								
1090	100	100	100								
1091	100	100	100								
1092	100	100	100								
1093	100	100	100								
1094	100	100	100								
1095	100	100	100								
1096	100	100	100								
1097	100	100	100								
1098	100	100	100								
1099	100	100	100								
1100	100	100	100								

Exhibit "B"

REGISTRATION VOTERS	WALLIS CAST	PURSUIT	CHARTER AMENDMENT WILSON COUNTY		NEUTRAL GENDER		MEASURE B-HOUSE DISTRICT CITY		CANDIDATES/PLATS		CHARTER AMENDMENT WILSON COUNTY		CHARTER AMENDMENT WILSON COUNTY	
			YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
1000 511 71	933	71	17.0	59	15	40	26	49	17	49	15	49	15	
1000 510 69	978	75	12.9	49	22	44	24	50	15	48	19	48	19	
1000 510 91	1056	136	12.8	97	44	52	66	89	18	92	28	92	28	
1000 510 93	697	136	19.5	81	37	82	46	104	25	98	19	98	19	
1000 510 94	710	131	17.5	100	30	62	53	89	17	97	42	97	42	
1000 510 95	717	125	17.0	95	30	93	31	97	24	92	19	92	19	
1000 510 96	714	100	13.4	100	20	37	41	75	10	73	26	73	26	
1000 510 97	736	111	13.9	95	24	65	33	52	12	46	10	46	10	
1000 510 98	742	100	12.2	82	16	37	31	46	10	48	27	48	27	
1000 510 99	1091	134	12.1	82	11	77	16	75	10	73	20	73	20	
1000 510 100	390	53	7.0	46	11	37	16	48	13	44	11	44	11	
1000 510 101	510	59		23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 29	3108			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 22	325			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 26	31			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 27	71			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 28	628			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 29	77			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 30	299			23	11	37	16	48	13	44	11	44	11	
Ad. HILL 5111 31	1765			23	11	37	16	48	13	44	11	44	11	
1000 510 101	71406	17429	24.2	11260	4890	9595	6349	11436	4049	10982	4322			



PROJECT	SCHEDULED VIEWERS	SCHEDULED CAP	TURNOUT	MEASURE C-INDUSTRY CITY	CHARTER AMENDMENT YES	MANAGER REPORT NU	MEASURE F-INDUSTRY CITY	CHARTER AMENDMENT YES	MANAGER CONTRACTS NU	MEASURE G-INDUSTRY CITY	CHARTER AMENDMENT YES	TAXING AUTHORITY NU	MEASURE H-INDUSTRY CITY	CHARTER AMENDMENT YES	MEASURE I-INDUSTRY CITY	BIDDER NU												
																	7	8	9	10	11	12	13	14	15	16	17	18
ADJ. HILL STYL 24	483	71	17.6	32	33	33	30	27	27	52	13	13	47	17	17	17												
ADJ. HILL STYL 25	473	75	15.6	32	33	33	44	22	22	45	16	16	46	16	16	16												
ADJ. HILL STYL 26	1056	135	12.7	57	64	64	77	22	22	81	34	34	80	41	41	41												
ADJ. HILL STYL 27	637	135	12.5	57	64	64	77	22	22	81	34	34	80	41	41	41												
ADJ. HILL STYL 28	970	131	13.5	63	69	69	81	29	29	99	31	31	102	42	42	42												
ADJ. HILL STYL 29	917	102	13.6	63	69	69	81	29	29	99	31	31	102	42	42	42												
ADJ. HILL STYL 30	594	100	13.4	46	57	57	68	43	43	61	21	21	69	27	27	27												
ADJ. HILL STYL 31	736	114	15.4	32	46	46	40	31	31	44	21	21	47	20	20	20												
ADJ. HILL STYL 32	582	50	13.5	36	49	49	55	24	24	39	16	16	39	16	16	16												
ADJ. HILL STYL 33	1091	131	12.2	36	49	49	55	24	24	39	16	16	39	16	16	16												
ADJ. HILL STYL 34	390	61	16.1	10	20	20	40	16	16	19	15	15	27	14	14	14												
ADJ. HILL STYL 35	510	39	7.6	10	20	20	40	16	16	19	15	15	27	14	14	14												
TOTALS	71306	17429	24.2	7811	7853	7853	9184	6392	6392	10514	4613	4613	11260	4280	4280	4280												

11/17/2013













MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1095

A RESOLUTION GRANTING THE REQUEST FOR FINANCIAL ASSISTANCE FILED BY THOMAS DOWNEY HIGH SCHOOL VARSITY CHEERLEADERS TO ENABLE THEM TO COMPETE IN THE NATIONAL CHEERLEADING CHAMPIONSHIPS.

WHEREAS, the Thomas Downey High School Varsity Cheerleaders were recently awarded the honor of competing in the National Cheerleading Championships to be held in Dallas, Texas, in December 1989, and

WHEREAS, a request for financial assistance was presented to the City Council at its meeting of October 17, 1989, which request was referred to City staff and, in accordance with procedures, has been reviewed by the Council Budget Committee, and

WHEREAS, said Council Budget Committee has recommended to the City Council that financial assistance in the amount of \$1,000 be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request for financial assistance filed by Thomas Downey High School Varsity Cheerleaders in the amount of \$1,000, as recommended by the Council Budget Committee, to enable said Cheerleaders to compete in said National Cheerleading Championships to be held in Dallas, Texas, in December 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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, 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. 89-1096

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (NAOMI H. TUCKER - 925 ILA WAY- \$2,959)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,959.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,959.00, 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 2 of Bl. 648 of Gilbert Tract as per map filed May 9, 1939 in Vol. 11 of Maps, Pg. 59, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-45-34)

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 14th day of November, 1989, 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1097

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (GEORGIA ADAMS - 225 E. FAIRMONT AVE. - \$2,432)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,432.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,432.00, 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:

The South 132 feet of Lot 8 of Fairmont Tract as per map filed Dec. 27, 1911 in Vol. 6 of Maps, Pg. 12, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-45-23)

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 14th day of November, 1989, 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1098

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (TANGENT INVESTMENT CO.-128 E. FAIRMONT AVE.-\$1,413)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,413.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,413.00, 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:

The West 75 feet of Lot 6 of Fairmont Tract as per map filed Dec. 27, 1911 in Vol. 6 of Maps, Pg. 12, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 112-45-32)

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 14th day of November , 1989 , 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1099

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (TANGENT INVESTMENT CO.-128 E. FAIRMONT AVE.-\$1,199)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,199.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,199.00, 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 3 of Bl. 648 of Gilbert Tract as per map filed May 9, 1939 in Vol. 11 of Maps, Pg. 59, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 112-45-33)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 14th day of November, 1989, 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1100

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (JERRY L. HOOPER - 117 E. FAIRMONT AVE.-\$1,270)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,270.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,270.00, 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:

The West 66 feet of the South 170 feet of Lot 3 of Fairmont Tract as per map filed Dec. 27, 1911 in Vol. 6 of Maps, Pg. 12, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 112-45-17)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 14th day of November, 1989, 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1101

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 (WENDELL L. THOMPSON-1420 TERESA ST.-\$519)

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 October 3, 1989, adopt its Resolution No. 89-975, 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, November 14, 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 \$519.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$519.00, 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 28 of Bl. 6078 of Wilen Tract No. 2 as per map filed Feb. 27, 1946 in Vol. 14 of Maps, Pg. 43, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 117-07-55)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 14th day of November, 1989, 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: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1102

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 (MICHAEL AND DOROTHY BALLENTYNE - 1400 TERESA STREET - \$439)

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 October 3, 1989, adopt its Resolution No. 89-975, 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, November 14, 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 \$439.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$439.00, 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 23 of Bl. 6078 of Wilen Tract No. 2 as per map filed Feb. 27, 1946 in Vol. 14 of Maps, Pg. 43, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 117-07-60)

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 Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice 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 14th day of November, 1989, 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1103

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (CHARLES K. AND DONNA D. WHITE - 1531 SCENIC DRIVE - \$1,485.12)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,485.12.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,485.12, 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:

Commencing at the Southeast corner of Lot 40 of Broughton Colony as per map filed March 17, 1904 in Vol. 1 of Maps, Pg. 78, Stan. Cty. Records; thence North 0° 30' West 20.72 feet to the true point of beginning; thence North 0° 30' 00" West 168.29 feet; thence South 74° 20' 00" 77.67 feet; thence South 0° 30' 00" East 168.94 feet; thence North 73° 47' 07" East 77.87 feet to point of beginning. (Stan. Cty. Assessor's Parcel No. 34-08-13)

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 14th day of November , 19 89 , 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:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1104

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS 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 (TERRANCE P. POWELL-140 FRANCES AVE.-\$1,229)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curbs \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,229.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,229.00, 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:

The East 60.00 feet of Lot 52 of Block 618 of City of Modesto as per map filed Dec. 21, 1942 in Vol. 15 of Maps, Pg. 618, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 112-03-25)

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 14th day of November , 1989 , 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:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installation)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1105

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (VERA L. BAUGUCESS - 820 S.SANTA CRUZ AVE.-\$2,336)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,336.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,336.00, 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 12 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 35-46-01)

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 14th day of November , 19 89 , 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:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1106

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (O.B. BROOME - 808 S. SANTA CRUZ AVE.-\$1,264)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,264.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,264.00, 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 10 of Bl. 2071 of Hillside Tract as per map filed Nov. 20, 1944 in Vol. 14 of Maps, Pg. 28, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 35-46-03)

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 14th day of November , 1989 , 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1107

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (SAMUEL G. DELGADO-2713 WOODLAND AVE.-\$5,079)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$5,079.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$5,079.00, 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:

Beginning at the Southwest corner of Lot 1 of Bl. 5920 of Woodland Estates as per map filed Aug. 29, 1979 in Vol. 28 of Maps, Pg. 59, Stan. Cty. Records; thence North 146.88 ft.; thence West 160.00 ft.; thence South 145 ft.; thence East 160 ft. to the point of beginning.  
(Stan. Cty. Assessor's Parcel No. 7-60-34)

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 14th day of November , 1989 , 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1108

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK 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 (STEVEN K. AND GAIL MOORE-609 E. RUMBLE RD. \$789)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 sidewalk \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$789.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$789.00, 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:

Commencing at the South  $\frac{1}{2}$  corner of Sec. 9, Township 3 South, Range 9 East, Mount Diablo Base & Meridian; thence North 30 ft. and West 14 ft. to the point of beginning; thence North 98.13 ft; thence Northwesterly 15.60 ft.; thence Southwesterly 92.10 ft.; thence South 98.14 ft.; thence East 104 ft. to the point of beginning.

(Stan. Cty. Assessor's Parcel No. 13-09-14)

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 14th day of November, 1989, 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: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1109

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK 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 (LARRY AND DONNA SWEATMAN - 605 E. RUMBLE ROAD - S819)

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 October 3, 19 89, adopt its Resolution No. 89-975, 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 sidewalk \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$819.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$819.00, 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:

Commencing at the Southeast corner of Lot 5 of Sherwood Forest as per map filed Aug. 13, 1956 in Vol. 18 of Maps, Pg. 56, Stan. Cty. Records; thence East 204 ft. to the point of beginning; thence East 56-56 ft.; thence North 10 ft.; thence East 47 ft.; thence North 98.14 ft.; thence in the Southwesterly direction 103.84 ft.; thence South 98 ft. to the point of beginning.  
(Stan. Cty. Assessor's Parcel No. 13-09-15)

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 14th day of November, 1989, 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:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installation)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1110

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (ANNA LOUISE MCCOY AND ALBERT LOUIS LABOUNTY-1322 E. ORANGEBURG AVENUE - \$1,289)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$1,289.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$1,289.00, 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:

The East 60 ft. of the West 286 ft. of the South 150 ft. of the North 180 ft. of Lot 12 of Broughton Colony as per map filed March 17, 1904 in Vol. 1 of Maps, Pg. 78, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 32-09-03)

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 14th day of November, 19 89, 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1111

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK 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 (MARK O. AND NADYA D. BOGENRIEF - 1005 RAMONA AVE. - \$659.00)

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 October 3, 19 89, adopt its Resolution No. 89-975, 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 sidewalk \_\_\_\_\_ on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$659.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$659.00, 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:

56.76 lineal feet of 4' wide sidewalk on the West side of Ramona Avenue at 1005 Ramona Avenue (Stan. Cty. Assessor's Parcel No. 112-49-17)

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 14th day of November , 1989 , 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1112

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (ALLEN ROOT - 2555 VENEMAN AVENUE - \$2,899)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,899.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,899.00, 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:

Beginning at a point 438.67 ft. West and 30 ft. North of the interior  $\frac{1}{4}$  corner of Sec. 12, Township 3 South, Range 8 East, Mount Diablo Base & Meridian; thence North 242.25 ft.; thence West 106 ft. 8 inches; thence South 242.25 ft.; thence East 106 ft., 8 inches to the point of beginning, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 76-03-01)

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 14th day of November, 1989, 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1113

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (WAYNE A. AND MARELLE E. JARBOE - 2613 VENEMAN AVENUE - \$2,899)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,899.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,899.00, 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:

Commencing at a point 438.67 ft. West and 30 ft. North of the interior  $\frac{1}{4}$  corner of Sec. 12, Township 3 South, Range 8 East, Mount Diablo Base & Meridian; thence West 213 ft. 4 inches to the point of beginning; thence North 242.5 ft.; thence West 106 ft., 8 inches; thence South 242.25 ft.; thence East 106 ft. 8 inches to the point of beginning, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 76-03-03)

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 14th day of November, 1989, 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:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1114

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND SIDEWALK 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 (BRUCE H. AND JOANETTE L. HAWKINS - 2601 VENEMAN AVE. - \$2,899)

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 October 3, 1989, adopt its Resolution No. 89-975, 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 curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, November 14, 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 \$2,899.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,899.00, 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:

Commencing at a point 438.67 ft. West and 30 ft. North of the interior  $\frac{1}{4}$  corner of Sec. 12, Township 3 South, Range 8 East, Mount Diablo Base & Meridian; thence West 106 ft., 8 inches; thence South 242.25 ft.; thence East 106 ft., 8 inches to the point of beginning, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 76-03-02)

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 14th day of November, 19 89, 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1115

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS  
IN THE CITY OF MODESTO

WHEREAS, Chapter 27 of Part 3 of Division 7 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 October 17, 1989, adopt its Resolution No. 89-1038, 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, the Council did by said resolution, set the 14th day of November, 1989, 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 given as directed by said Resolution No. 89-1038; and

WHEREAS, at the time set for hearing the protests and objections, if any, 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 which are on file, and incorporated by reference herein, 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 attached notices in accordance with the provisions of Resolution No. 89-1038 and 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 14th day of November, 1989, 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

8. Hearing regarding orders to construct curbs and/or sidewalks:
- a. Curb along E. Fairmont Avenue, at 935 Patricia Lane, a portion of Block 654 (Barbara A. Watson)
  - b. Curb at 226 E. Fairmont Avenue, a portion of Block 645 (Arlene Donaldson)
  - c. Curb at 234 E. Fairmont Avenue, a portion of Block 645 (Jean M. Tarabek)
  - d. Curb at 232 E. Fairmont Avenue a portion of Block 645 (Lee J. Quinton)
  - e. Curb along Melrose Avenue at 425-427 Corson avenue, a portion of Block 659 (Robert L. Crisp)
  - f. Curb and Sidewalk at 1335 Nelson Avenue, a portion of Block 1136 (Terry Carson)
  - g. Curb and Sidewalk along Nelson Avenue at 1305 Nelson Avenue, a portion of Block 1136 (Sandra C. Sample)
  - h. Curb and Sidewalk at 1313 Nelson Avenue, a portion of Block 1136 (Edgar J. Cochren)
  - i. Curb and sidewalk at 324 S. Emerald Avenue, a portion of Block 4117 (Adelle Brown)
  - j. Curb and Sidewalk at 400 S. Emerald Avenue, a portion of Block 4117 (Miner E. Cole, Sr.)
  - k. Curb and Sidewalk at 412 S. Emerald Avenue, a portion of Block 4117 (Ralph Ball)
  - l. Sidewalk at 1225 Wellesley Avenue, Lot 18 of Block 6011 (Timothy P. McQuade)
  - n. Sidewalk at 1221 Mills Avenue, a portion of Block 6010 (Bill S. Barr)
  - o. Sidewalk at 1231 Mills Avenue, a portion of Block 6010 (Norma J. Jussell)
  - p. Sidewalk along Wellesley Avenue at 1030 Ulrich Avenue, Lot 20 of Block 6011 (Gordon N. Keats)
  - q. Sidewalk along Mills Avenue at 1008 Ulrich Avenue, Lot 1 of Block 6010 (Dalise Cassebarth)
  - r. Sidewalk along I Street and 13th Street at 1217 I Street, Lots 13 through 16 of Block 93 (Rudy DeKleua)
  - s. Sidewalk at 1015 8th Street, Lots 11 and 12 of Block 41 (Farmers Warehouse Co., Inc.)

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1116

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS  
IN THE CITY OF MODESTO (ROBERT L. COMBS - 414 GRISWOLD AVENUE )

WHEREAS, Chapter 27 of Part 3 of Division 7 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 October 17, 1989, adopt its Resolution No. 89-1038, 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, the Council did by said resolution, set the 14th day of November, 1989, 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 given as directed by said Resolution No. 89-1038; and

WHEREAS, at the time set for hearing the protests and objections, if any, 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 which are on file, and incorporated by reference herein, 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 attached notices in accordance with the provisions of Resolution No. 89-1038 and 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 14th day of November, 1989, by Councilmember Bird, 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: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1117

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 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-3 and C-3. (MID-VALLEY ENGINEERING/RESOURCE DEVELOPMENT)

WHEREAS, on November 14, 1989, the City Council introduced Ordinance No. 2692-C.S. giving approval to a project relating to an amendment to Section Map 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, and Highway Commercial Use, C-3, property located on the north side of Yosemite Boulevard, west of Claus 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 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 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, and Highway Commercial Use, C-3, property located on the north side of Yosemite Boulevard, west of Claus Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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: 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. 89-1118

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 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO C-3. (MID-VALLEY ENGINEERING/DRY CREEK MEADOWS)

WHEREAS, on November 14, 1989, the City Council introduced Ordinance No. 2693-C.S. giving approval to a project relating to an amendment to Section Map 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3, property located on the north side of Yosemite Boulevard, east of McClure 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 25-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3, property located on the north side of Yosemite Boulevard, east of McClure Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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: 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. 89-1119

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE 4-WHEEL FRONT END LOADER

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  
4-wheel front end loader  
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 18, 1989, 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 14th day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1120

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW SKID-MOUNTED GASOLINE-POWERED  
AIR COMPRESSOR

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  
skid-mounted gasoline-powered air compressor  
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 18, 1989, 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 14th day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1121

A RESOLUTION ACCEPTING THE BID OF EAGLE SIGNAL CONTROLS FOR FURNISHING TRAFFIC SIGNAL REPAIR PARTS

WHEREAS, Resolution No. 89-932 , adopted by the Council of the City of Modesto on September 19, 1989 , approved the plans and specifications for the purchase of traffic signal repair parts

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of traffic signal repair parts were opened at 11:10 a.m. on October 9, 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 Eagle Signal Controls of Austin, Texas in the amount of \$2,915.64 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Eagle Signal Controls in the amount of \$2,915.64 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 November , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1122

A RESOLUTION ACCEPTING THE BID OF ECONOLITE CONTROL PRODUCTS, INC. FOR FURNISHING TRAFFIC SIGNAL REPAIR PARTS

WHEREAS, Resolution No. 89-932 , adopted by the Council of the City of Modesto on September 19, 1989, approved the plans and specifications for the purchase of traffic signal repair parts

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of traffic signal repair parts were opened at 11:10 a.m. on October 9, 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 Econolite Control Products, Inc. of Burlingame, California in the amount of \$3,415.77 be accepted as the lowest responsible bid.

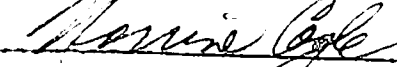
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Econolite Control Products, Inc. in the amount of \$3,415.77 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1123

A RESOLUTION ACCEPTING THE BID OF TRAFFIC PARTS OF SPRING, TEXAS FOR FURNISHING TRAFFIC SIGNAL REPAIR PARTS

WHEREAS, Resolution No. 89-932 , adopted by the Council of the City of Modesto on September 19, 1989, approved the plans and specifications for the purchase of traffic signal repair parts

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of traffic signal repair parts were opened at 11:10 a.m. on October 9, 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 Traffic Parts of Spring, Texas in the amount of \$4,524.55 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 Parts of Spring, Texas in the amount of \$4,524.55 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 November , 19 89 , 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1124

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RESOURCE DEVELOPMENT, INC. TO MAKE STAGED PAYMENTS TO COVER CONSULTANT AND STAFF COSTS OF A GENERAL PLAN AMENDMENT AND EIR FOR THE COLLEGE WEST NEIGHBORHOOD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Resource Development, Inc. to make staged payments to cover consultant and staff costs of a General Plan amendment and EIR for the College West Neighborhood

be, and it is hereby approved.

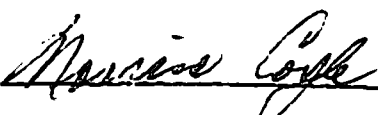
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November , 19 89 , 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. 89-1125

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL CLAYTON & ASSOCIATES TO PREPARE A GENERAL PLAN AMENDMENT AND EIR FOR THE COLLEGE WEST NEIGHBORHOOD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Michael Clayton & Associates to prepare a General Plan amendment and EIR for the College West neighborhood and approved deleting "Task 10" in the October 16, 1989, letter from Michael Clayton

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November , 1989 , 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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1126

A RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS IN ORDER TO SELECT A "BROKER OF RECORD" FOR PLACEMENT OF CITY OF MODESTO INSURANCE

WHEREAS, upon request of the City Council, the City is suggesting a "Request for Proposals" to qualified firms in order to select a "broker of record" for placement of City of Modesto insurance; and

WHEREAS, selecting a "broker of record" will provide a centralized method by which the City's insurance coverage can be placed in the commercial market-place, and assist in a more uniform expiration date for policies.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of a "Request for Proposals" in order to select a "broker of record" for placement of City of Modesto insurance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1127

A RESOLUTION ACCEPTING IMPROVEMENTS IN COUNTRY RANCH NO. 3 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Bright Development, subdividers of Country Ranch No. 3 Subdivision, have filed Irrevocable Commitment of Funds for faithful performance and labor and materials in the amount of \$ 570,400.00 and \$ 285,200.00 respectively to guarantee improvements in Country Ranch No. 3 Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated November 7, 1989, 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 Dunds upon expiration of the statutory period.

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

1. The improvements in Country Ranch No. 3 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 \$570,400.00 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 \$ 285,200.00 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 14th day of November, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1128

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MATTHEW AND PETRA JANOPAUL 1974 TRUST; ROBERT NORMAL JANOPAUL 1987 TRUST; RICHARD MATLIN JANOPAUL FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2204-08 CROWS LANDING ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Matthew and Petra Janopaul 1974 Trust; Robert Normal Janopaul 1987 Trust; Richard Matlin Janopaul for water service to property outside City limits at 2204-08 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 14th day of November , 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1129

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF MODESTO CITY COUNCIL RESOLUTION NO. 82-743 ENTITLED, "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(330)." (MARTIN)

WHEREAS, City Council Ordinance No. 2144-C.S., effective November 4, 1982, granted a Planned Development Zone, P-D(330), to Martin, Martin, Gagos, Steenwyk, Hennings And Mandelkow to allow a general commercial shopping center with approximately 6 acres at the intersection of Pelandale and Sisk reserved for a motel or other lodging facility, property located on the southeast corner of Sisk Road and Pelandale Avenue, and

WHEREAS, City Council Resolution No. 82-743, adopted on September 28, 1982, and which became effective on November 4, 1982, approved the development plan and schedule for P-D(330) and also contained the conditions of approval for the development of said uses on the P-D(330) property, and

WHEREAS, a verified application for an amendment to Planned Development Zone P-D(330), was filed by National Investment Properties on August 14, 1989, to allow a shopping center without a motel and which would be anchored by a supermarket and which would contain a super drugstore, property located at the southeast corner of Sisk Road and Pelandale Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 16, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 89-135, found and

determined that an amendment to Planned Development Zone, P-D(330), to allow a shopping center without a motel in said P-D(330) Zone on property located at the southeast corner of Sisk Road and Pelandale Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. The proposed shopping center conforms to the Modesto Urban Area General Plan.
2. The site plan and conditions of approval will promote compatibility with single family residential areas to the south and east.

and

WHEREAS, by Resolution No. 89-135 adopted by the Planning Commission on October 16, 1989, the Planning Commission recommended to the Council an amendment to P-D(330) to allow a shopping center on the southwest corner of Sisk Road and Pelandale Avenue, 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 November 21, 1989, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council finds and determines that the requested amendment to Planned Development Zone, P-D(330), to allow a shopping center without a motel and which would be anchored by a supermarket and which would contain a super drugstore on property located at the southeast corner of Sisk Road and Pelandale Avenue, is required by public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 89-135 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 82-743 entitled,

"A Resolution Approving A Development Plan For Planned-Development Zone, P-D(330)", are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(330), is hereby approved to allow a shopping center without a motel which would be anchored by a supermarket and which would contain a super drugstore, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Retail Shopping Center, National Investment Properties, Inc." as amended in red, stamped approved by the Planning Commission on October 16, 1989.
2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on October 16, 1989.
3. 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 east property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Eight-foot, solid, decorative masonry wall along the entire south and east property lines.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. The Sisk Road and Pelandale Avenue frontages shall be dedicated and 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.
7. Prior to issuance of any building permit, the developer shall deposit with the City of Modesto the sum of \$472,995.05 to be used to mitigate traffic impacts in the County of Stanislaus in conjunction with the development of the Pelandale/Freeway 99 interchange. Said funds shall remain on deposit until such

time that the County of Stanislaus and the developer have agreed to said sum to be the proper amount of the mitigation or shall agree to an alternate amount.

With regard to the foregoing condition, the City Council 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 to be paid to the county is to mitigate the impact of traffic generated by the project.
  - b. That the fee will be used by the county to fund the county's portion of improvements to the Pelandale overcrossing of State Highway 99.
  - c. As set forth in the applicant's traffic study shopping centers generate traffic, therefore there is a reasonable relationship between the use of the fee (to fund a portion of the cost of improvements to the Pelandale overcrossing of State Highway 99) and the type of development project on which the fee is imposed.
  - d. That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Pelandale overcrossing of State Highway 99 and development projects of this type because the Pelandale overcrossing will receive a large portion of the approximate 10,000 new daily trips that will be generated by this project.
  - e. That as set forth in the letter from Stanislaus County Deputy Director of Public Works J. Ray Edwards, dated September 8, 1989, there is a reasonable relationship between the amount of the fee (\$472,995.05) and the portion of the costs of improving the Pelandale overcrossing of State Highway 99 attributable to this development.
8. 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. Medians on Sisk Road and Pelandale Avenue shall be constructed in conjunction with improvement of these streets to a major street standard as required by the Director of Public Works and Transportation.
  9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Pelandale Avenue and Sisk Road frontages. The number shall be as determined 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. Drainage shall be provided as required by the Public Works and Transportation Director.
13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
14. 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.
15. 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 all of the properties included in the P-D zone.
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. Any business, except those in buildings B, C, D, and E, may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.
18. 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.
19. The loading dock areas on the south and east sides of the shopping center may not be used for outside storage of any type of material.
20. Any activity in the loading dock areas, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.

21. Two freestanding shopping center identification signs shall be permitted, one each on the Sisk Road and Pelandale Avenue frontages. These signs shall not exceed 35 square feet in area and 10 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone. A separate 150 square foot, 50 foot high freestanding gas, food, or lodging sign shall be subject to design approval by the Board of Zoning Adjustment.
22. No signs shall be permitted above eight feet in height on the south and east faces of the "A" building group which face the adjoining residential properties.
23. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
24. 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(330):

That the entire construction program be accomplished in one phase, with construction to begin on or before October 16, 1992, and completion to be not later than October 16, 1993."

BE IT FURTHER RESOLVED that all other provisions of Council Resolution No. 82-743 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 21st day of November, 1989, 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: 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. 89-1130

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 82-743 AS AMENDED BY RESOLUTION NO. 89-1129 ENTITLED "A RESOLUTION AMENDING SECTIONS 1 AND 2 OF MODESTO CITY COUNCIL RESOLUTION NO. 82-743 ENTITLED, 'A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(330).' (MARTIN)" TO ADD A CONDITION RELATING TO DRIVEWAYS.

WHEREAS, City Council Ordinance No. 2144-C.S., effective November 4, 1982, granted a Planned Development Zone, P-D(330), to Martin, Martin, Gagos, Steenwyk, Hennings And Mandelkow to allow a general commercial shopping center with approximately 6 acres at the intersection of Pelandale and Sisk reserved for a motel or other lodging facility, property located on the southeast corner of Sisk Road and Pelandale Avenue, and

WHEREAS, City Council Resolution No. 82-743, adopted on September 28, 1982, and which became effective on November 4, 1982, approved the development plan and schedule for P-D(330) and also contained the conditions of approval for the development of said uses on the P-D(330) property, and

WHEREAS, a verified application for an amendment to Planned Development Zone P-D(330), was filed by National Investment Properties on August 14, 1989, to allow a shopping center without a motel and which would be anchored by a supermarket and which would contain a super drugstore, property located at the southeast corner of Sisk Road and Pelandale Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on October 16, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 89-135, found and determined that an amendment to Planned Development Zone, P-D(330), to allow a shopping center without a motel in said P-D(330) Zone on property located at the southeast corner of Sisk Road and Pelandale Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. The proposed shopping center conforms to the Modesto Urban Area General Plan.
2. The site plan and conditions of approval will promote compatibility with single family residential areas to the south and east.

and

WHEREAS, by Resolution No. 89-135 adopted by the Planning Commission on October 16, 1989, the Planning Commission recommended to the Council an amendment to P-D(330) to allow a shopping center on the southwest corner of Sisk Road and Pelandale Avenue, 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 November 21, 1989, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that the requested amendment to Planned Development Zone, P-D(330), to allow a shopping center without a motel and which would be anchored by a supermarket and which would contain a super drugstore on property located at the southeast corner of Sisk Road and Pelandale Avenue, is required by public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 89-135 and quoted above, and thereafter adopted Council Resolution No. 89-1129

entitled "A Resolution Amending Sections 1 and 2 of Modesto City Council Resolution No. 82-743 Entitled, 'A Resolution Approving a Development Plan for Planned-Development Zone, P-D(330).' (Martin)", and

WHEREAS, following the adoption of said Resolution No. 89-1129 referred to above, the Council desired to add a condition relating to driveways to Section 1 of Resolution No. 82-743 as amended by Resolution No. 89-1129.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 82-743 as amended by Resolution No. 89-1129 entitled, "A Resolution Amending Sections 1 and 2 of Modesto City Council Resolution No. 82-743 Entitled, 'A Resolution Approving a Development Plan For Planned-Development Zone, P-D(330)'. (Martin)", is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(330), is hereby approved to allow a shopping center without a motel which would be anchored by a supermarket and which would contain a super drugstore, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Retail Shopping Center, National Investment Properties, Inc." as amended in red, stamped approved by the Planning Commission on October 16, 1989.
2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on October 16, 1989.
3. 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 east property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Eight-foot, solid, decorative masonry wall along the entire south and east property lines.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. The Sisk Road and Pelandale Avenue frontages shall be dedicated and 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.
7. Prior to issuance of any building permit, the developer shall deposit with the City of Modesto the sum of \$472,995.05 to be used to mitigate traffic impacts in the County of Stanislaus in conjunction with the development of the Pelandale/Freeway 99 interchange. Said funds shall remain on deposit until such time that the County of Stanislaus and the developer have agreed to said sum to be the proper amount of the mitigation or shall agree to an alternate amount.

With regard to the foregoing condition, the City Council 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 to be paid to the county is to mitigate the impact of traffic generated by the project.
- b. That the fee will be used by the county to fund the county's portion of improvements to the Pelandale overcrossing of State Highway 99.
- c. As set forth in the applicant's traffic study shopping centers generate traffic, therefore there is a reasonable relationship between the use of the fee (to fund a portion of the cost of improvements to the Pelandale overcrossing of State Highway 99) and the type of development project on which the fee is imposed.
- d. That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Pelandale overcrossing of State Highway 99 and development projects of this type because the Pelandale overcrossing will receive a large portion of the approximate 10,000 new daily trips that will be generated by this project.

- e. That as set forth in the letter from Stanislaus County Deputy Director of Public Works J. Ray Edwards, dated September 8, 1989, there is a reasonable relationship between the amount of the fee (\$472,995.05) and the portion of the costs of improving the Pelandale overcrossing of State Highway 99 attributable to this development.
8. 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. Medians on Sisk Road and Pelandale Avenue shall be constructed in conjunction with improvement of these streets to a major street standard as required by the Director of Public Works and Transportation.
9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Pelandale Avenue and Sisk Road frontages. The number shall be as determined 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. Drainage shall be provided as required by the Public Works and Transportation Director.
13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
14. 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.
15. 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 all of the properties included in the P-D zone.
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. Any business, except those in buildings B, C, D, and E, may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.
18. 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.
19. The loading dock areas on the south and east sides of the shopping center may not be used for outside storage of any type of material.
20. Any activity in the loading dock areas, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.
21. Two freestanding shopping center identification signs shall be permitted, one each on the Sisk Road and Pelandale Avenue frontages. These signs shall not exceed 35 square feet in area and 10 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone. A separate 150 square foot, 50 foot high freestanding gas, food, or lodging sign shall be subject to design approval by the Board of Zoning Adjustment.
22. No signs shall be permitted above eight feet in height on the south and east faces of the "A" building group which face the adjoining residential properties.
23. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.
24. 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.

25. All curbcuts serving two-way driveways shall be a minimum of 41 feet in width. The north curb cut onto Sisk Road shall be designed for right turn in only and shall feature a deceleration lane. The west curb cut onto Pelandale Avenue shall be standard curb cut."

BE IT FURTHER RESOLVED that all other provisions of Council Resolution Nos. 82-743 and 89-1129 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 21st day of November, 1989, 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, 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. 89-1131

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(330) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SISK ROAD AND PELENDALE AVENUE. (MARTIN)

WHEREAS, on November 21, 1989, the City Council introduced Ordinance No. 2694-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(330), property located at the southeast corner of Sisk Road and Pelendale 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(330), property located at the southeast corner of Sisk Road and Pelendale Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1989, 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: 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. 89-1132

A RESOLUTION AMENDING RESOLUTION NO. 88-649 AS AMENDED AND CHANGING THE RATE OF CAPITAL FACILITIES FEES APPLICABLE TO NEW DEVELOPMENT IN THE CITY OF MODESTO BY ADDING NEW COMPONENTS TO THE FEE FOR STREETS, AIR QUALITY, AND PUBLIC TRANSPORTATION FACILITIES.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging capital facilities fees, and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 88-649, as amended by Resolution No. 89-373 and Resolution No. 89-986, and

WHEREAS, the current fees for police facilities, parks, and recreation facilities, wastewater treatment facilities, fire facilities, other city facilities, and capital facilities fees administration, were adopted on February 28, 1989, pursuant to the report of Recht, Hausrath & Associates dated February 10, 1989, (Recht Phase I Report) which established the factual basis for adjusting or creating fees for said facilities, and

WHEREAS, the Phase I Recht Report did not address the need for and amount of a fee or fees to accommodate and/or mitigate the traffic that would be generated by new development, and

WHEREAS, since the adoption and/or adjustment of the fees pursuant to the Phase I Recht Report, the City has hired a traffic consultant, Dowling Transportation Engineering (Dowling), to develop the information necessary to determine the facilities needed to accommodate the traffic generated by new development and the cost of such facilities, and

WHEREAS, this information has been provided by Dowling in the form

of a traffic study entitled "City of Modesto Traffic Impact Analysis" dated September, 1989 (Dowling Report), and

WHEREAS, Recht, Hausrath & Associates has utilized the information in the Dowling Report as well as other information provided by City staff to prepare a detailed report (Phase II Recht Report) regarding the impacts of the contemplated future build-out development of the Modesto Urban Area on existing facilities along with an analysis of the need for new public facilities and improvements required to accommodate and/or mitigate the traffic that would be generated by such new development which is available in a document titled "Capital Facilities Fee Report Phase II", dated October, 1989, and

WHEREAS, the Phase II Recht Report establishes the factual basis for adjusting or creating fees for the following: street facilities, air quality facilities, and public transportation facilities, and

WHEREAS, the Phase II Recht Report sets forth the relationship between contemplated future development, the public facilities set forth in the report, and the estimated cost of said facilities, and

WHEREAS, this report has been available for public inspection and review since November 3, 1989, and

WHEREAS, the City Council finds as follows:

(a) The purpose of the fees hereinafter established is to finance municipal facilities to accommodate and/or mitigate the impacts caused by the traffic associated with future development in the City of Modesto. Such improvements include but are not limited to traffic signals, freeway interchange improvements, the construction of an Expressway Loop around the

City of Modesto, other miscellaneous street improvements, buses, bus shelters, bus stops, a transit center, a traffic light synchronization program, park and ride lots, express buses and vans, bike path construction, pedestrian footpath construction, and other miscellaneous facilities designed to reduce vehicular traffic;

(b) The fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in Exhibit "A", attached hereto and incorporated by reference;

(c) After considering the Dowling Report, the Phase 2 Recht Report, and the testimony received at this public hearing, the City Council hereby approves and adopts said reports, and incorporates the same herein, and further finds that future development in the City of Modesto as set forth in said reports will generate additional demands on municipal services;

(d) As development occurs there will be a need in the City of Modesto for expanded or newly constructed municipal facilities including but not limited to traffic signals, freeway interchange improvements, the construction of an Expressway Loop around the City of Modesto, other miscellaneous street improvements, buses, bus shelters, bus stops, a transit center, a traffic light synchronization program, park and ride lots, express buses and vans, bike path construction, pedestrian footpath construction, and other miscellaneous facilities designed to reduce vehicular traffic, park and ride lots, express buses and vans, bike path construction, pedestrian footpath construction, and other miscellaneous facilities designed to reduce vehicular traffic. Said facilities have been called for and/or are consistent with the City's General Plan. The City has commenced a review of the existing General

Plan for the purposes of determining the need to revise standards contained in the existing General Plan. If, upon completing its review, the City determines to amend the General Plan, this resolution will be revised if necessary to reflect the additional impacts, needs or standards identified in the amendment;

(e) The Dowling Report and the Phase II Recht Report, and the testimony established:

- (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 fees are charged,
- (2) That there is a reasonable relationship between the fees 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",
- (5) The Dowling Report and the Phase II Recht Report and the testimony further established a linkage or nexus between development in the City's urban reserve (unincorporated area of City's general plan area) and the need for additional public facilities or improvements to existing public facilities within the City of Modesto as well as within the urban reserve. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to development in the City's urban reserve that may be approved of or allowed by Stanislaus County prior to the annexation of said urban reserve or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public

transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County in the City's urban reserve area and collected by the City of Modesto.

(f) The Phase II Recht Report and the Dowling Report together comprise a detailed analysis of what traffic related public facilities will be required to serve residential, industrial and commercial development added to the City of Modesto up to the build-out of the Urban Reserve Area defined in the City's General Plan. Said report also determines the deficiencies that currently exist in the existing traffic related public facilities.

(g) The method of allocation of the three new components of the capital facilities fees created by this resolution (streets, air quality, and public transportation) 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 fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that three new components are hereby added to the existing Capital Facilities Fees for streets facilities, air quality facilities, and public transportation facilities as follows:

1. Paragraph 2 of Resolution No. 88-649 as amended by Resolution No. 89-373 and Resolution No. 89-986 is hereby amended to read as follows:

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development shall be the sum of the amount specified in the following paragraphs:

(Note: The fees for Police Facilities, Parks and Recreation Facilities, Wastewater Treatment Facilities, Fire Facilities, other City

facilities, and Capital Facilities Fee administration fee as established by Resolution No. 89-373 amending Resolution No. 88-643 and as adjusted by Resolution No. 89-986 are restated here for the sake of administrative convenience only. The fees for street facilities, air quality facilities, and public transportation facilities which are established by this resolution are set forth below in subparagraphs 2(f), 2(g), and 2(h).)

(a) Police Facilities

(1) Residential:

Low density residential use	\$ 408.00/unit
Medium density residential use	343.00/unit
Medium-high density residential use	247.00/unit

(2) Non-residential:

Office	\$ 0.26/square foot
Commercial	0.16/square foot
Industrial	0.11/square foot
Care Homes (day care, convalescent and retirement)	0.16/square foot
Churches and private schools	0.11/square foot
Hospitals	0.26/square foot
Fast Food Restaurants	0.16/square foot
Convenience Marts	0.16/square foot

(b) Parks and Recreation Facilities

(1) Residential:

Low density residential use	\$1,460.00/unit
Medium density residential use	1,252.00/unit
Medium-high density residential use	869.00/unit

(2) Non-residential:

Office	no fee
Commercial	no fee
Industrial	no fee
Care Homes (day care, convalescent and retirement)	no fee
Churches and private schools	no fee
Hospitals	no fee
Fast Food Restaurants	no fee
Convenience Marts	no fee

(c) Wastewater Treatment Facilities

(1) Residential:

Low density residential use	\$ 189.00/unit
Medium density residential use	162.00/unit
Medium-high density residential use	112.00/unit

(2) Non-residential:

Office	\$ 0.06/square foot
Commercial	0.04/square foot
Industrial	0.03/square foot
Care Homes (day care, convalescent and retirement)	0.04/square foot
Churches and private schools	0.03/square foot
Hospitals	0.06/square foot
Fast Food Restaurants	0.04/square foot
Convenience Marts	0.04/square foot

(3) Industrial:

Special (Industrial development which results in wastewater discharge from other than standard plumbing fixtures will incur a fee in addition to the 0.03/square foot fee listed above for industrial uses; this fee to be determined on a case-by-case basis)

(d) Fire Facilities

(1) Residential:

Low density residential use	\$ 182.00/unit
Medium density residential use	155.00/unit
Medium-high density residential use	110.00/unit

(2) Non-residential:

Office	\$ 0.12/square foot
Commercial	0.07/square foot
Industrial	0.06/square foot
Care Homes (day care, convalescent and retirement)	0.07/square foot
Churches and private schools	0.06/square foot
Hospitals	0.12/square foot
Fast Food Restaurants	0.07/square foot
Convenience Marts	0.07/square foot

(e) Other City Facilities

(1) Residential:

Low density residential use	\$ 249.00/unit
Medium density residential use	210.00/unit
Medium-high density residential use	150.00/unit

(2) Non-residential:

Office	\$ 0.16/square foot
Commercial	0.10/square foot
Industrial	0.07/square foot
Care Homes (day care, convalescent and retirement)	0.10/square foot
Churches and private schools	0.07/square foot
Hospitals	0.16/square foot
Fast Food Restaurants	0.10/square foot
Convenience Marts	0.10/square foot

(f) Streets Facilities Fee

\$2,143.00 per trip end

Total trip ends and the total fee for street facilities is to be determined as set forth in paragraph 2(i).

(g) Air Quality Facilities Fee

\$100.00 per trip end

Total trip ends and the total fee for air quality facilities is to be determined as set forth in paragraph 2(i).

(h) Public Transportation Facilities Fee

\$40.00 per trip end

Total trip ends and the total fee for public transportation facilities is to be determined as set forth in paragraph 2(i).

(i) For purposes of determining trip ends and the total resulting fee for the streets, air quality, and public transportation components only of the Capital Facilities Fee, the land use categories, peak hour trip rates, adjustment factors, and adjusted peak hour trip rates, and land use type definitions set forth below shall apply:

Land Use Category	Land Use Type	per	Peak Hour Trip Rate	Adjustment Factor	Adj'd Pk Hr Trip Rate	Street Fees @ \$2,143 /TripEnd	Transit Fees @ \$40 /TripEnd	Air Qual Fees @ \$100 /TripEnd	Total
Residential	Senior Housing	DU	0.40	1.00	0.40	857	16	40	913
	Single Family	DU	1.00	1.00	1.00	2,143	40	100	2,283
	Multiple	DU/Room	0.67	1.00	0.67	1,436	27	67	1,530
Industrial	Industrial	1000 sf	1.00	0.75	0.75	1,607	30	75	1,712
Office	Medical Office	1000 sf	3.60	0.75	2.70	5,786	108	270	6,164
	General Office	1000 sf	2.00	0.75	1.50	3,215	60	150	3,425
Commercial	Conv Market	1000 sf	71.00	0.15	10.65	22,823	426	1,065	24,314
	Restaurant:								
	Fast Food	1000 sf	43.00	0.15	6.45	13,822	258	645	14,725
	High Turnover	1000 sf	19.93	0.20	3.99	8,542	159	399	9,100
	Low Turnover	1000 sf	7.25	0.30	2.18	4,661	87	218	4,966
	Retail:								
	< 50,000 sf	1000 sf	12.36	0.15	1.85	3,973	74	185	4,233
50- 99,999 sf	1000 sf	7.51	0.20	1.50	3,219	60	150	3,429	
100-300,000 sf	1000 sf	4.17	0.30	1.25	2,681	50	125	2,856	
>300,000 sf	1000 sf	3.44	0.35	1.20	2,580	48	120	2,749	
Financial	Bank	1000 sf	24.00	0.15	3.60	7,715	144	360	8,219
	Savings & Loan	1000 sf	6.10	0.30	1.83	3,922	73	183	4,178
Misc.	Car Wash-manual	Stall	4.80	0.30	1.44	3,086	58	144	3,288
	Church	1000 sf	0.64	0.15	0.10	206	4	10	219
	Day Care Center	1000 sf	12.30	0.05	0.62	1,318	25	62	1,404
	Hospital	1000 sf	1.58	0.75	1.19	2,539	47	119	2,705
	Mini-Warehouse	1000 sf	0.26	0.30	0.08	167	3	8	178
	Nursing Home	1000 sf	0.27	0.15	0.04	87	2	4	92
	Service Station	Pump	3.63	0.30	1.09	2,334	44	109	2,486
Recreational	Golf Course	Acre	0.39	0.30	0.12	251	5	12	267
	Movie Theater	1000 sf	6.14	0.30	1.84	3,947	74	184	4,205
	Racquet Club	Court	3.94	0.30	1.18	2,533	47	118	2,699
	Tennis Courts	Court	3.43	0.30	1.03	2,205	41	103	2,349

- Notes:
1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
  2. Uses not specified in the DEFINITIONS LIST shall be charged at rates determined by the Director of Public Works and Transportation, using trip generation estimates acceptable to the Director.
  3. Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)
  4. Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Public Works and Transportation Department
  5. The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.
  6. The Streets Fee per Peak Hour Trip End of \$2,143 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.

LAND USE TYPE DEFINITION

RESIDENTIAL	
Senior Housing	Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
Single Family	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 10 dwellings per acre or less.
Multiple	Includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments. This category also applies to mobile homes and hotel/motel uses.
INDUSTRIAL	
	All types of industrial uses, including light industrial, heavy industrial, manufacturing, warehousing, and industrial parks, but excluding mini-warehouses which are treated separately.
OFFICE	
Medical	Offices 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.
General	All other types of general and professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices, and research centers, and excluding government offices and US Post Offices.
COMMERCIAL	
Conv. Market	Small retail markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.
Restaurants	
Fast Food	Fast-food restaurants with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the restaurant building, although some on-site seating is usually provided.

High Turnover Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch, and dinner.

Low Turnover Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

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.

#### FINANCIAL

##### Banks

Full service banking institutions with or without drive-up windows.

##### Savings & Loans

Saving & loan institutions, including thrifts and credit unions, 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 S & L is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

#### 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.

#### RECREATIONAL

The uses in this category are generally self-explanatory. Golf courses do not include miniature golf uses.

- (j) For purposes of the fees set forth in subparagraphs 2(a) through 2(e), 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 as offices, including medical or dental offices and laboratories, business offices (excluding retail or wholesale sales and banking institutions), professional offices and pharmacies (excluding manufacture and distribution of pharmaceuticals).
  - (8) "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title X of the Modesto Municipal Code.
  - (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 C-M, M-1 and M-2 Zones of Title X of the Modesto Municipal Code, excluding all those uses which are permitted in any of the other zones as set forth in Title X excepting warehouses.

(12) "Capital Improvement" shall mean the following:

(a) Any building structure or other improvement constructed or renovated by the City upon property owned by or under its control.

(b) 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 2(a) through 2(i).

2. Paragraph 5 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

<u>Fund No.</u>	<u>Name</u>
(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	Street Facilities Fee Fund
(k) 142	Air Quality Capital Facilities Fee Fund
(l) 143	Public Transportation Fee Fund

### 3. EXEMPTION FROM CEQA

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 the provisions of Sections 15061 and 15273 of the State CEQA guidelines because:

1. The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects and improvements which are necessary to maintain the current level of service in terms of street capacity within the City as well as the purchase of certain items of capital equipment.
2. To a limited extent, the fees established or modified 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 capital facilities to new neighborhoods will not take place until there has been CEQA review of the development projects which will pay for said capital facilities via the capital facilities fee mechanism established or modified by this resolution. Such CEQA review will take place at the General Plan Amendment, annexation, zoning, and/or subdivision stages of each development project.

In addition, the construction of each capital facility will be subject to CEQA review. It is, therefore, reasonably certain that this resolution which either establishes or modifies capital facilities fees to fund the capital facilities that will be necessary to mitigate to accommodate traffic in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

4. EFFECTIVE DATE OF CAPITAL FACILITIES FEES ESTABLISHED BY THIS RESOLUTION.

This resolution shall become effective 60 days after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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,  
Mayor Whiteside

NOES: Councilmembers: Bird, 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

## EXHIBIT "A"

The following list of projects has resulted from a comprehensive assessment of the facilities required to accommodate traffic associated with new growth.

It should be understood that the facilities listed will accommodate the traffic associated with the build-out of the City of Modesto planning area. This amount of growth is projected to occur over approximately 25 years. While the facilities to be developed in the next few years are fairly well defined, the exact location, size and cost of individual facilities to be developed in later years is often undetermined. Furthermore, the manner in which City services are provided gradually evolves over time. In other words, this list is the best statement of facility needs that can be made at this time; it is intended that it will be continually updated as plans become more definitive.

### PROJECTS

#### Street Facilities

Miscellaneous street improvements including expressway construction, traffic signal installation and freeway interchange improvements.

See Table 1.

#### Air Quality Facilities

Traffic light synchronization, park and ride lots, express buses and vans, bike path construction, and pedestrian foot path construction.

See Table 2.

#### Public Transportation Facilities

Buses, bus shelters, bus stops, transit center.

See Table 3.

TABLE 1

## STREET FACILITIES PROJECTS

STREET	SEGMENT		TOTAL	MODESTO		OTHERS	
			000's	%	000's	%	000's
<b>EXPRESSWAYS</b>							
KIERNAN	DALE TO PRESCOTT	4 lns	2,747	75%	2,060	25%	687
KIERNAN	PRESCOTT TO TULLY	4 lns	2,856	75%	2,142	25%	714
KIERNAN	TULLY TO McHENRY	4 lns	2,747	75%	2,060	25%	687
CLARIBEL	McHENRY TO COFFEE	4 lns	3,206	100%	3,206		
CLARIBEL	COFFEE TO OAKDALE	4 lns	2,747	100%	2,747		
CLARIBEL	OAKDALE TO ROSELLE	4 lns	3,239	100%	3,239		
CLARIBEL	ROSELLE TO EXPRESSWAY	4 lns	2,540	100%	2,540		
EXPRESSWAY	CLARIBEL TO PELANDALE	4 lns	3,513	100%	3,513		
EXPRESSWAY	PELANDALE TO CLAUS	4 lns	853	100%	853		
CLAUS	EXPRESSWAY TO SYLVAN	6 lns	748	100%	748		
CLAUS	SYLVAN TO FLOYD	6 lns	2,408	100%	2,408		
CLAUS	FLOYD TO BRIGGSMORE	6 lns	3,003	100%	3,003		
CLAUS	BRIGGSMORE TO SCENIC	6 lns	2,316	100%	2,316		
CLAUS	SCENIC TO YOSEMITE	6 lns	6,322	100%	6,322		
GARNER	YOSEMITE TO FINCH	6 lns	3,868	100%	3,868		
GARNER	FINCH TO HATCH	4 lns	10,863	100%	10,863		
BRIGGSMORE	SR99 TO PRESCOTT	6 lns	404	100%	404		
BRIGGSMORE	PRESCOTT TO TULLY	6 lns	2,431	100%	2,431		
BRIGGSMORE	TULLY TO McHENRY	6 lns	2,662	100%	2,662		
BRIGGSMORE	McHENRY TO COFFEE	6 lns	2,486	100%	2,486		
BRIGGSMORE	COFFEE TO OAKDALE	6 lns	2,375	100%	2,375		
BRIGGSMORE	OAKDALE TO ROSELLE	6 lns	2,765	100%	2,765		
BRIGGSMORE	ROSELLE TO CLAUS	4 lns	2,326	100%	2,326		
URBAN INTERCHANGES - 4 @ \$8,000,00			32,000	100%	32,000		
SR 132	SR99 TO MORSE/NEBRASKA	4 lns	40,000	60%	24,000	40%	16,000
			<u>141,425</u>		<u>123,338</u>		<u>18,088</u>
<b>EAST-WEST ARTERIALS</b>							
PELANDALE	DALE TO PRESCOTT	2 lns	2,882	100%	2,882		
PELANDALE	PRESCOTT TO TULLY	2 lns	2,549	100%	2,549		
PELANDALE	TULLY TO McHENRY	4 lns	3,919	100%	3,919		
PELANDALE	McHENRY TO COFFEE	4 lns	2,977	100%	2,977		
PELANDALE	COFFEE TO OAKDALE	4 lns	2,615	100%	2,615		
PELANDALE	OAKDALE TO ROSELLE	2 lns	2,447	100%	2,447		
PELANDALE	ROSELLE TO EXPRESSWAY	2 lns	2,460	100%	2,460		
YOSEMITE	EL VISTA TO LINCOLN	6 lns	1,757	100%	1,757		
YOSEMITE	LINCOLN TO MARIPOSA	6 lns	230	100%	230		
YOSEMITE	MARIPOSA TO CLAUS	6 lns	564	100%	564		
YOSEMITE	CLAUS TO East U.L.	6 lns	1,643	100%	1,643		
YOSEMITE	EMPIRE GRADE SEPARATION	4 lns	12,000	40%	4,800	60%	7,200
HATCH	CROWS LANDING TO SR 99	4 lns	5,154	100%	5,154		
			<u>41,197</u>		<u>33,997</u>		<u>7,200</u>

TABLE 1 (CONT'D)

STREET	SEGMENT		TOTAL	MODESTO		OTHERS	
			000's	%	000's	%	000's
<b>NORTH-SOUTH ARTERIALS</b>							
PRESCOTT	KIERNAN TO SNYDER	4 lns	3,006	100%	3,006		
CARPENTER	KANSAS TO MAZE	4 lns	972	100%	972		
CARPENTER	MAZE TO CALIFORNIA	4 lns	911	100%	911		
CARPENTER	CALIFORNIA TO PARADISE	4 lns	1,685	100%	1,685		
CARPENTER	PARADISE TO HATCH	4 lns	6,100	100%	6,100		
TULLY	PELANDALE TO STANDIFORD	4 lns	290	100%	290		
MCHENRY	PELANDALE TO STANDIFORD	6 lns	925	100%	925		
COFFEE	CLARIBEL TO PELANDALE	4 lns	574	100%	574		
OAKDALE	CLARIBEL TO PELANDALE	4 lns	759	100%	759		
OAKDALE	PELANDALE TO SYLVAN	6 lns	520	100%	520		
ROSELLE	FLOYD TO BRIGGSMORE	4 lns	155	100%	155		
LAKEWOOD	BRIGGSMORE TO SCENIC	4 lns	753	100%	753		
LINCOLN	SCENIC TO YOSEMITE	4 lns	2,300	100%	2,300		
			<u>18,950</u>		<u>18,950</u>		<u>0</u>
TRAFFIC SIGNALS (163 new and 46 modifications)			24,760	100%	24,760		
<b>SR 99 INTERCHANGES IMPROVEMENTS</b>							
	PELANDALE INTERCHANGE		4,911	50%	2,456	50%	2,456
	BECKWITH/STANDIFORD INTERCHANGE		7,822	100%	7,822		
	CARPENTER/BRIGGSMORE INTERCHANG		771	100%	771		
	MAZE NORTHBOUND RAMP		200	100%	200		
	I STREET RAMPS INTERSECTIONS		122	100%	122		
	HATCH INTERCHANGE		4,000	33%	1,320	67%	2,680
	SR 99 INTERCHANGES Prelim Plng Studies		200	100%	200		
	SR 99 INTERCHANGES Project Study Report		160	100%	160		
<b>GRAND TOTAL</b>			<u>244,518</u>		<u>214,095</u>		<u>30,424</u>

Table 2

## AIR QUALITY FACILITIES

1. Complete traffic light synchronization	\$ 3,200,000
2. Park and ride lots	700,000
3. Express bus service, vanpooling, carpooling, and intra-city shuttles	134,000
4. Bike path construction and storage	5,000,000
5. Construction and upgrade of footpaths and other pedestrian access facilities	<u>1,150,000</u>
	\$ 10,184,000

For a more detailed explanation of the projects listed above, refer to pages IV 2-3 of the Phase II Recht Report.

Table 3

## LOCAL PUBLIC TRANSPORTATION FACILITIES

	<u>Local Share Cost</u>	<u>New Development Share</u>	<u>Net Cost</u>
Buses (33 additional)	\$5,760,000	52%	\$2,995,200
Bus Shelters (35 additional)	174,000	100%	174,000
Bus Stops (1,118 additional)	127,000	100%	127,000
Transit Center (Local share)	1,372,000	52%	<u>713,000</u>
Total			<u>\$4,009,200</u>

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1133

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND  
STAND-BY SERVICE TO THE COUNTY OF STANISLAUS AND  
RESCINDING RESOLUTION NO. 60-485.

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

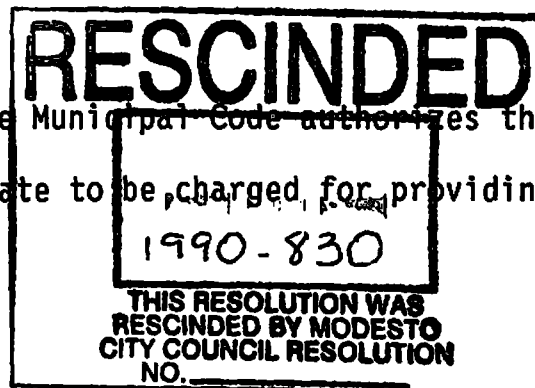
WHEREAS, in event that the said plants owned and/or operated by said  
County should break down or for some reason become incapable of operation, it  
will be necessary for said County to secure water from some other source to  
supply said Hospital, and

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,



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 \$20.50 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. 60-485 adopted by the Council on December 28, 1960, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1134

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE  
AND RESCINDING RESOLUTION NO. 82-796.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee of an amount per square foot of property area that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to \$10.80 per 100 square foot of property area, and

WHEREAS, the Council held a public hearing at its regular meeting on November 21, 1989, to consider the recommended sewer lateral connection fee,

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 \$10.80 per 100 square foot of property area.

BE IT FURTHER RESOLVED that Resolution No. 82-796 adopted by the Council on October 26, 1982, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1135

A RESOLUTION APPROVING A FEE SCHEDULE FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT AND SUPERSEDING RESOLUTION NO. 87-1262.

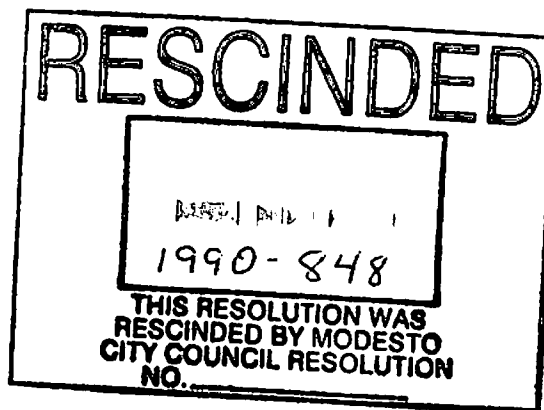
WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fee schedule is adopted for the dumping of septic tank waste at the sewage treatment plant:

Up to 1000 Gal. Truck	-	\$10.00
1001 to 1500 Gal. Truck	-	15.00
1501 to 2000 Gal. Truck	-	20.00

BE IT FURTHER RESOLVED that the above fee schedule shall become effective February 1, 1990.

BE IT FURTHER RESOLVED that effective January 31, 1990, this resolution supersedes Modesto City Council Resolution No. 87-1262.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1136

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 88-918.

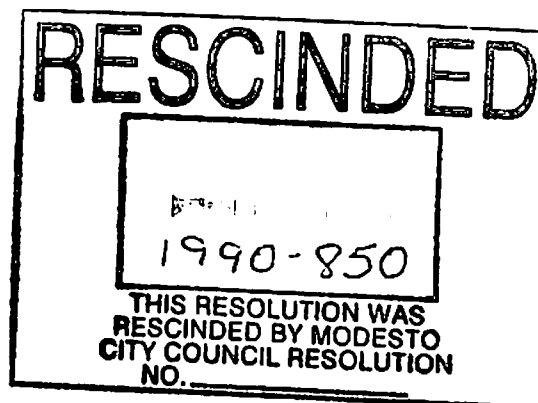
WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

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 eliminating the City installation hydrant meter fee and imposing a construction water use charge which would be billed according to usage, and

WHEREAS, the City Council held a public hearing at its regular meeting on November 21, 1989, 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	\$ 660.00
	1-1/2" service	670.00
	2" service	740.00
	4"-6" service	2,150.00
	8" service	2,500.00
	10" or larger service	COST
	Connection to existing main	1,480.00
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.	12.50
	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.	12.50
	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	\$1,520.00
	Fire hydrant line to main per lineal foot	7.50
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	275.00
	Fire main test	84.00
11-1.06 (e)	Meter installation cost	
	Each 1" meter	\$ 213.00
	Each 1" meter with traffic lid	258.00
	Each 1-1/2" meter	458.00
	Each 1-1/2" meter with traffic lid	510.00
	Each 2" meter	535.00
	Each 2" meter with traffic lid	585.00
	Each 4" meter	2,425.00
	Each 6" meter	4,840.00
	Each 8" meter	6,300.00
	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)	3.00
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 February 1, 1990.

BE IT FURTHER RESOLVED that Resolution No. 88-918, adopted by the Council December 13, 1988, is hereby superseded 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 21 day of November, 1989, 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, 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

**RESCINDED**

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1137

1990 - 846

A RESOLUTION ADOPTING A FEE IN CONNECTION WITH MAINTENANCE  
OF ROCKWELLS AND RESCINDING RESOLUTION NO. 88-637

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL 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 the imposition of a rockwell maintenance fee which will be the capitalized cost of annual maintenance, and

WHEREAS, the Council held a public hearing at its regular meeting on November 21, 1989, to consider the recommended fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Rockwell Maintenance Fee of One Thousand Fifty Dollars and no/100ths (\$1,050.00) 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. 88-637 adopted by the Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

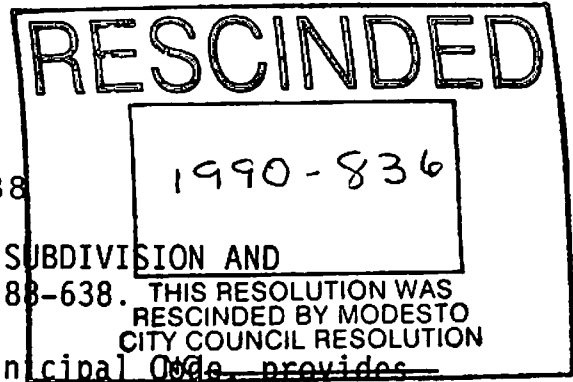
ABSENT: Councilmembers: None

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. 89-1138

A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND  
PARCEL MAPS AND RESCINDING RESOLUTION NO. 88-638. THIS RESOLUTION WAS  
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, and

WHEREAS, the Council held a public hearing at its regular meeting on November 21, 1989, 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  | \$183.00 |
| (b) Final parcel map checking fee   | \$370.00 |
| (c) Final (subdivision) map checking fee<br>for subdivisions of 10 or less lots | \$370.00 |

(d) Final (subdivision) map checking fee for subdivisions of 10 or more lots	\$370.00
Plus per each lot in excess of 10	\$ 7.50
(e) Parcel map improvement plan check fee	\$169.00
(f) Subdivision improvement plan check fee for subdivisions of 10 or less lots	\$275.00
(g) Subdivision improvement plan check fee for subdivisions of 10 or more lots	\$275.00
Plus each lot in excess of 10	\$ 7.00
(h) Property owners' association document checking fee	\$175.00
(i) Certificate of compliance	\$131.00
(j) Summary right of way abandonment	\$183.00

SECTION 2. REPEALS. Resolution No. 88-638 adopted by the Council on September 6, 1988, is rescinded effective January 31, 1990.

SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1139

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 88-639.

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 November 21, 1989, to consider the recommended fee increases,

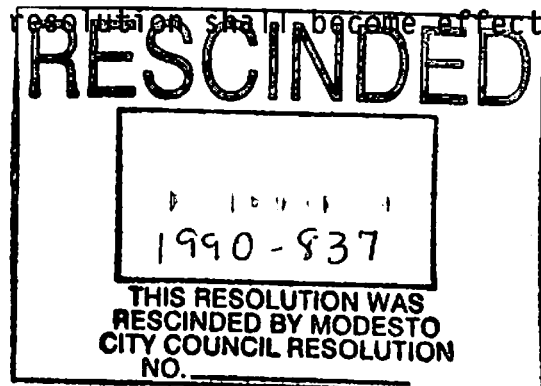
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

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. 88-639 adopted by the Council on September 6, 1988 is hereby rescinded effective January 31, 1990.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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

FEES 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	\$11.13
B.	Sepia	\$ 1.35
C.	Blue-line	\$ .35

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                      \$6.60

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                      \$ .15/s.f.

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

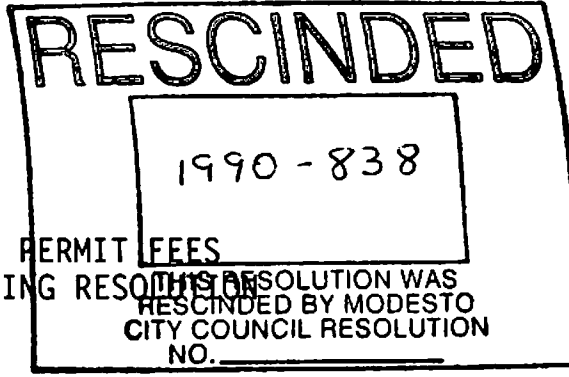
The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee                   \$ .50/s.f.

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                   \$1.75/image



MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1140

A RESOLUTION ESTABLISHING INVESTIGATION AND PERMIT FEES  
RELATING TO MOVING OF BUILDINGS AND RESCINDING RESOLUTION  
NO. 88-640.

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. \_\_\_\_\_

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 November 21, 1989, 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 \$71.00 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 \$71.00 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 \$44.00 shall be paid to the Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 88-640 adopted by the City Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

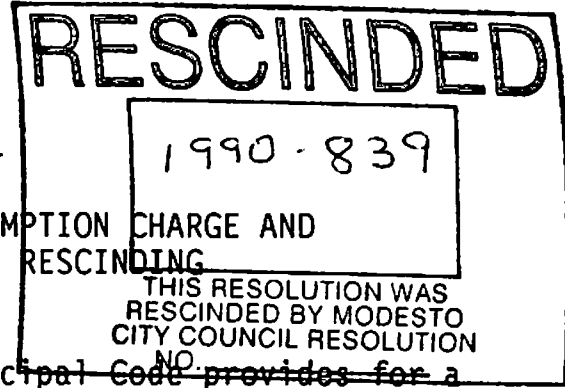
ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1141



A RESOLUTION ESTABLISHING A SEWER BOND REDEMPTION CHARGE AND  
WATER CONNECTION CHARGE INSPECTION FEES AND RESCINDING  
RESOLUTION NO. 88-641.

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 November 21, 1989, 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 \$30.50 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  
\$30.50 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. 88-641 adopted by the Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1142

A RESOLUTION ESTABLISHING SIGN PERMIT FEES AND RESCINDING  
RESOLUTION NO. 88-642.

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  
November 21, 1989, 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:

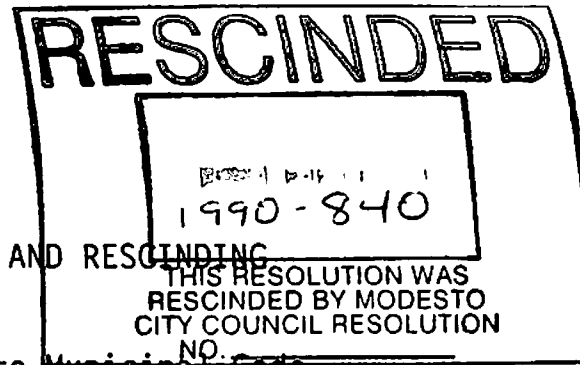
SECTION 1. PAINTED WALL SIGNS. The fee shall be \$52.00 for each  
painted wall sign.

SECTION 2. CHANGE OF COPY. The fee shall be \$53.00 for each sign  
on which there is a change of copy.

SECTION 3. ALL OTHER SIGNS. The fee shall be \$55.00 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. 88-642 adopted by the Council  
on September 6, 1988, is hereby rescinded effective January 31, 1990.



SECTION 6. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1143

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF SEWER  
LINE REIMBURSEMENT AGREEMENTS AND RESCINDING RESOLUTION  
NO. 88-643.

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

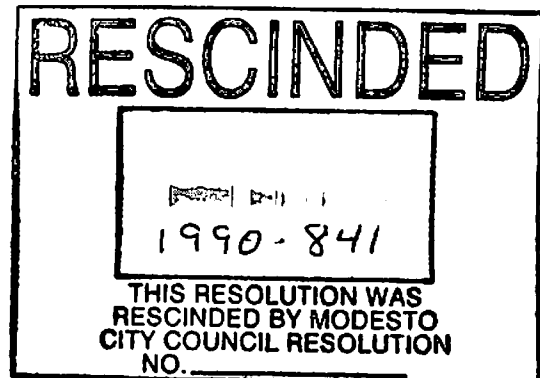
WHEREAS, the City staff has recommended an increase in said fee to  
reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on November 21, 1989, 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 \$167.00 to be charged for preparation of each sewer line  
reimbursement agreement.

BE IT FURTHER RESOLVED that Resolution No. 88-643, adopted by the  
Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution  
shall become effective on and after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1144

A RESOLUTION ESTABLISHING A BUILDING COMPLIANCE INSPECTION  
FEE AND RESCINDING RESOLUTION NO. 88-644.

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

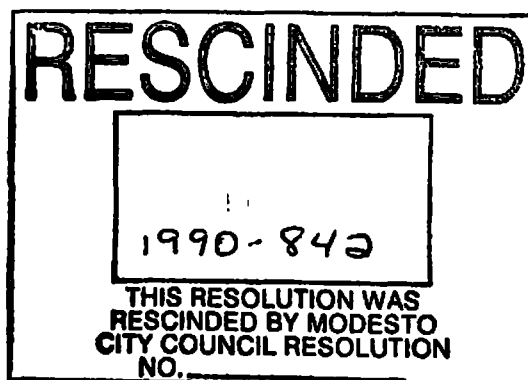
WHEREAS, City staff has recommended an increase in the Building  
Compliance Inspection Fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on  
November 21, 1989 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 \$60.00 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. 88-644 adopted by the  
Council on September 6, 1988 is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution  
shall become effective on and after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

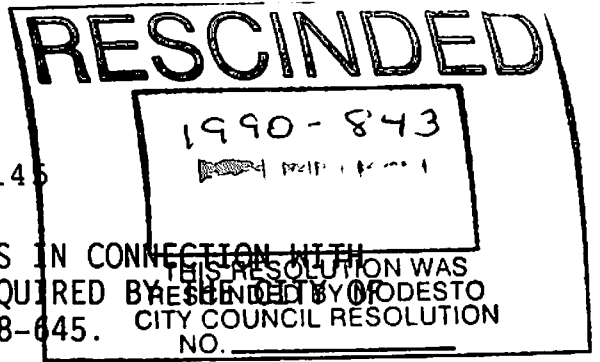
ABSENT: Councilmembers None

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. 89-1145

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THIS RESOLUTION WAS RESCINDED BY MODesto CITY COUNCIL RESOLUTION NO. 88-645.

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, Resolution No. 77-1081 entitled, "A Resolution Establishing Conditions for Issuing Encroachment Permits to Place Newspaper Racks in Sidewalk Planting Strips" in the City of Modesto, provides that inspection fees shall be charged 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 and Resolution No. 77-1081, and

WHEREAS, the Council held a public hearing at its regular meeting on November 21, 1989 to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code and Resolution No. 77-1081,

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. 88-645 adopted by the City Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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

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	\$69.00/lot <sup>(7)</sup>	4.00/1.f.	----	by City	7-1.108
2. Sidewalks	\$29.00/lot <sup>(7)</sup>	----	----	----	7-1.108
3. Sewer Service from lot to sewer lateral	\$35.60/each	----	\$.53/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	5-6.08; 7-2.22
4. Sewer Laterals <sup>(2)</sup>	\$ 0.88/1.f.	0.61/1.f.	\$.53/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	5-6.08; 7-2.22
5. Newspaper Racks	\$27.50/each	----	----	----	7-1.108
6. Storm Drains (through curb)	\$25.00/each	----	----	----	7-1.108
7. Utilities <sup>(3)</sup> Major Const.	\$69.50/each	----	\$.53/1.f. of trench	\$3.50/s.f. <sup>(9)</sup>	7-2.27; 7-2.22
8. Utilities <sup>(3)</sup> Service and Repair	\$53.00/each	----	included in permit fee	\$3.50/s.f. <sup>(9)</sup>	7-2.27; 7-2.22
9. Street Closures (temporary)	\$100.00/each	----	----	----	7-2.14
10. Street Lights	\$56.00/each	----	\$.53/1.f. of trench	----	7-1.108
11. Rock Wells or Storm Drain Connections	\$57.00/each	----	\$.53/1.f. of trench	----	7-1.108

12.	Street Construction	\$50.00/lot <sup>(7)</sup>	----		----	7-1.108
13.	Improvements <sup>(8)</sup>	\$57.00/lot <sup>(7)</sup>	----		----	7-1.108
14.	Other work not listed <sup>(10)</sup>	To be calculated	----		----	7-1.108
15.	Install refractor steel pole	\$38.50/each	----		----	7-1.108
16.	Added refractor steel pole	\$ 8.50/each	----		----	7-1.108
17.	Install mast arm wood pole	\$96.50/each	----		----	7-1.108
18.	Added mast arm wood pole	\$72.50/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 \$3.00/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 \$245.00 per street
  - b. Temporary paving \$180.00 per street
  - c. Temporary barricades \$105.00 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. 89-1146

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT DISTRICT FINANCING AND RESCINDING RESOLUTION NO. 88-646.

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

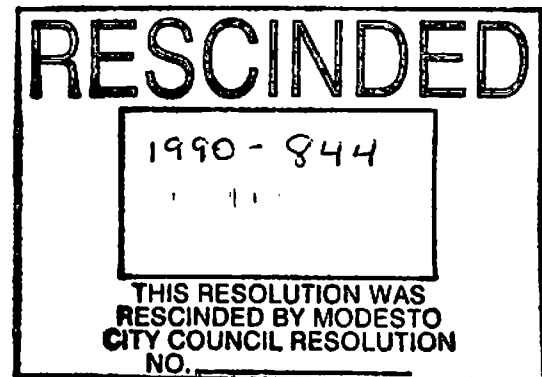
WHEREAS, the Public Works and Transportation Director has estimated the preliminary staff work for Special Assessment District Financing is at least \$3,154.00, and

WHEREAS, the City Council held a public hearing at its regular meeting on November 21, 1989, 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 \$3,154.00.

BE IT FURTHER RESOLVED that Resolution No. 88-646 adopted by the Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1147

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. 88-647.

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

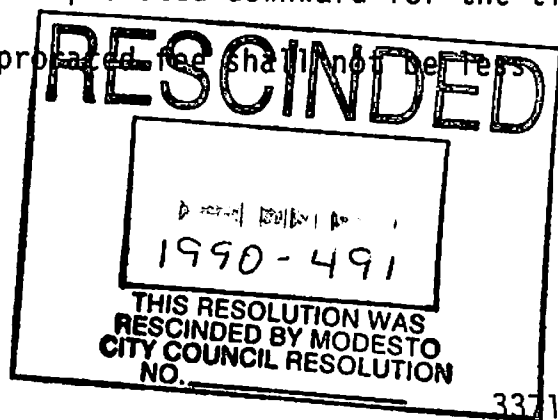
WHEREAS, it is the policy of the Council to grant such variances for the purpose of promoting commerce and industry, and

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, the City proposes a fee of \$72.00 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 \$22.00 be charged for the issuance of one trip permits for oversized or overloaded vehicles be charged, 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 \$22.00, and



WHEREAS, the City Council held a public hearing at its regular meeting on November 21, 1989, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Annual Permit Fee of \$72.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department and a One Trip Permit Fee of \$22.00 For Oversized Or Overloaded Vehicles shall be charged by the City Engineering Department.

BE IT FURTHER RESOLVED that Resolution No. 88-647 adopted by the Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1148

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT  
BENEFIT DISTRICTS FOR LANDSCAPING AND RESCINDING RESOLUTION  
NO. 88-648. (SABDL)

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

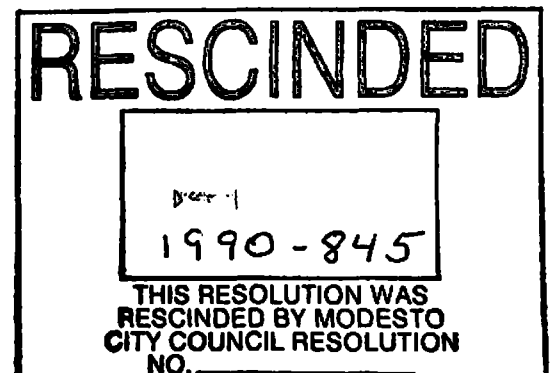
WHEREAS, the Public Works and Transportation Director has estimated  
the preliminary staff work for Special Assessment Benefit Districts For  
Landscaping at a minimum of \$2,665.00, and

WHEREAS, the City Council held a public hearing at its regular  
meeting on November 21, 1989, 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 \$2,665.00.

BE IT FURTHER RESOLVED that Resolution No. 88-648 adopted by the  
Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution  
shall become effective on and after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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: Irizarry, Bird, 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. 89-1149

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. 88-650.

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, 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.

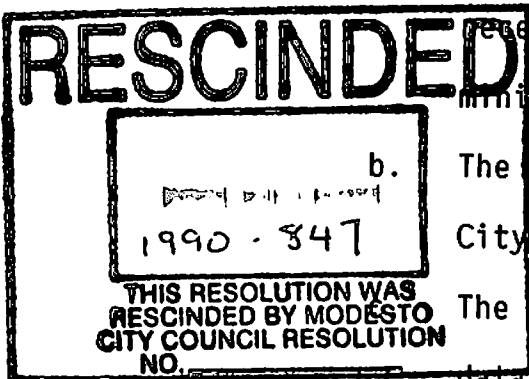
2. Fees chargeable for preparing and selling data shall include:

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 \$15.00.

b. The cost of the media (tape or disk), if furnished by the City.

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 November 21, 1989, 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 \$15.00, 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. 88-650 adopted by the Council on September 6, 1988, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after February 1, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of November, 1989, 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, 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. 89-1150

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO COPY MACHINES

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  
copy machines

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 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 21st day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1151

A RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR FURNISHING PROFESSIONAL SERVICES FOR APPRAISAL OF CITY OF MODESTO REAL ESTATE

WHEREAS, the Risk Management Division is requesting purchase of professional services to appraise the structures in the City of Modesto's inventory in order to establish a base for replacement cost, appreciation and depreciation values and insurance.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of a Request for Proposals for furnishing professional services for appraisal of Modesto real estate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1152

A RESOLUTION ACCEPTING THE BID OF BOWDEN ELECTRIC, INC. FOR THE CONSTRUCTION OF TRAFFIC SIGNALS ON SYLVAN AT KELLER

WHEREAS, Resolution No. 89-1007 , adopted by the Council of the City of Modesto on October 17, 1989 , approved the plans and specifications for the construction of traffic signals on Sylvan at Keller

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of traffic signals on Sylvan at Keller

were opened at 11:00 a.m. on November 7, 1989 , 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 Bowden Electric, Inc. in the amount of \$68,880 be accepted as the lowest responsible bid.

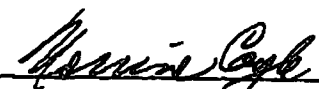
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bowden Electric, Inc. in the amount of \$68,880 be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November , 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

RESOLUTION NO. 89-1153

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
AUTHORIZING FORMATION OF JOINT POWERS AUTHORITY WITH THE  
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF MODESTO;  
APPOINTMENT OF BOND COUNSEL**

**WHEREAS**, the Industrial Development Agency of the City of Modesto (the "IDA") and the City of Modesto (the "City") are considering proceedings for the financing of the renovation of the main terminal of the Modesto City-County Airport/Harry Sham Field (the "Airport ") by means of a lease/leaseback financing of the Airport, and in connection with such proceedings the IDA and the City propose to form a joint powers authority pursuant to Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California in order that such authority may exercise the powers authorized under the Marks-Roos Local Bond Pooling Act of 1985 (Government Code 6584 et seq.); and

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

**Section 1. Formation of Joint Powers Authority.** The City Council hereby authorizes the officers and staff members of the City to assist in the organization of a joint powers authority between the City and the IDA, to be known as the Modesto Public Financing Authority. The City Council hereby approves and authorizes the Mayor to execute and the City Clerk to attest the Joint Exercise of Powers Agreement forming said joint powers authority, in substantially the form on file with the City Clerk, together with any changes therein deemed advisable by the City Attorney.

**Section 2. Official Actions.** The Mayor, City Manager, Finance Director and City Clerk of the City, and any other officers of the City, are hereby authorized and directed to take all actions and do all things necessary or desirable hereunder with respect to the formation of said joint powers authority, including but not limited to the execution and delivery of any and all agreements, certificates, instruments and other documents, which they, or any of them, may deem necessary or desirable and not inconsistent with the purposes of this resolution.

**Section 3. Appointment of Bond Counsel.** The law firm of Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California, is appointed and employed to act as bond counsel on the financing and the Agreement for Legal Services, by and between the City and said firm, a copy of which is on file with the City Clerk, be and is hereby approved, and the City Manager is hereby authorized to execute said agreement.

**Section 4. Effective Date.** This Resolution shall take effect from and after the date of its passage and adoption.

\*\*\*\*\*

PASSED AND ADOPTED this 21st day of November, 1989, by the following vote:

AYES: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: None

ABSENT: None

(S E A L)

Attest:

By: Merrine Cook  
City Clerk

Approved as to Form:  
Sand. [Signature]  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1154

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND EMPIRE UNION SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Empire Union School District for collection of school site development 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 21st day of November, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1155

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HART RANSOM UNION SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Hart Ransom Union School District for collection of school site development 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 21st day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1156

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Modesto City School District for collection of school site development fees be, and it is hereby approved.

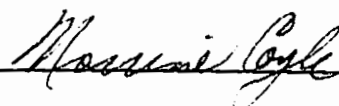
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1157

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND SALIDA UNION SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Salida Union School District for collection of school site development fees be, and it is hereby approved.

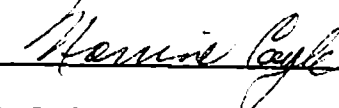
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1158

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS UNION SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Stanislaus Union School District for collection of school site development fees be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

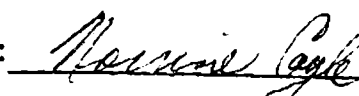
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1989, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1159

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR COLLECTION OF SCHOOL SITE DEVELOPMENT FEES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Sylvan Union School District for collection of school site development 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 21st day of November, 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, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1160

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FINANCING FOR A NEW CAPITAL IMPROVEMENT PROJECT.

WHEREAS, an agreement was entered into between Rule Enterprises, developer for the Fleur de Ville Subdivision, and the City of Modesto on September 12, 1989, and

WHEREAS, said agreement stated that the developer would contribute \$54,075 for future improvements to the sewer collection system and the treatment plant, and

WHEREAS, the developer also agreed to pay for all engineering and inspection costs incurred by the City for the connection of the Fleur de Ville Subdivision to the City Sewer System, and

WHEREAS, the developer has contributed \$1,000 to cover these costs,

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>		
621/480/P883/6000	Upgrade Hahn Lift Station	\$10,500
621/480/P884/6000	WTP Improvements-Fleur de Ville	43,575
621/480/P901/6000	Inspection Charges-Fleur de Ville	1,000
<u>Revenues</u>		
621/510/9510/4354.01	Developer Contribution	\$55,075

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 21st day of November, 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, 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. 89-1161

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE PURCHASE OF LAND FOR 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 Southern Pacific Transportation Company for the purchase of land for the Transportation Center site

be, and it is hereby approved.

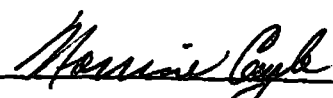
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November , 1989 , 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: Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1162

A RESOLUTION DESIGNATING COUNCILMEMBER CHARLES BIRD TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

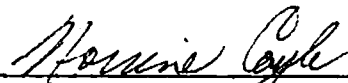
BE IT RESOLVED by the Council of the City of Modesto that Councilmember Charles Bird is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1163

A RESOLUTION DESIGNATING THE MCHENRY MANSION LOCATED AT 906 FIFTEENTH 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 August 21, 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. 1, that the McHenry Mansion 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 December 5, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the McHenry Mansion 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 McHenry Mansion located on property at 906 Fifteenth Street has

historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

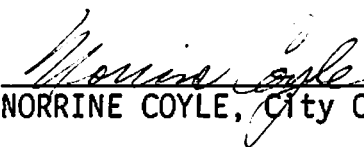
1. Historically, the McHenry Mansion is significant in that it was built in 1883 by Robert McHenry, prominent local rancher/banker, who prepared the way for Stanislaus County's future development.
2. Architecturally, the structure is significant as a fine example of the High Victorian Italiante style of architecture.
3. Furthermore, the structure is physically and economically capable of being preserved, in that 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 5th day of December, 1989, 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,  
Mayor Whiteside

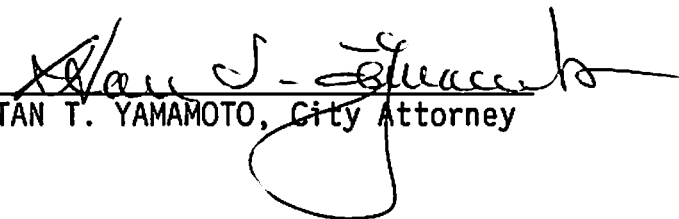
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1164

A RESOLUTION DESIGNATING THE MCHENRY MUSEUM LOCATED AT  
1402 I 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 August 21, 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. 2, that the McHenry Museum be designated a Landmark Preservation Site and  
that the following factors are true:

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 December 5, 1989, in the  
City Council Chambers, City Hall, 801 11th Street, Modesto, California, the  
Council found and determined that the McHenry Museum is eligible for  
designation as a Landmark Preservation Site for the reasons set forth by the  
Landmark Preservation Commission, and

WHEREAS, the City Council certifies it has reviewed and considered  
the findings of the Environmental Assessment Committee which resulted in a

negative declaration in regard to the environmental impact of the proposed designation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the McHenry Museum located on property at 1402 I Street has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Historically, the McHenry Museum is significant in that it was built in 1912 as a library for the citizens of Modesto with funds from the Oramil McHenry estate.
2. Architecturally, the structure is significant as a fine example of the Neoclassical Revival style of architecture.
3. Furthermore, the structure is physically and economically capable of being preserved, in that it is owned and maintained by the City of Modesto.

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 designation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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,  
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. 89-1165

A RESOLUTION DESIGNATING THE MODESTO ARCH LOCATED AT 9TH  
AND I STREETS 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 August 21, 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. 3, that The Modesto Arch 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 December 5, 1989, in the  
City Council Chambers, City Hall, 801 11th Street, Modesto, California, the  
Council found and determined that The Modesto Arch is eligible for designation  
as a Landmark Preservation Site for the reasons set forth by the Landmark  
Preservation Commission, and

WHEREAS, the City Council certifies it has reviewed and considered  
the findings of the Environmental Assessment Committee which resulted in a

negative declaration in regard to the environmental impact of the proposed designation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that The Modesto Arch located on property at 9th and I Streets has historic and architectural significance and is hereby designated a Landmark

Preservation Site for the following reasons:

1. Historically, The Modesto Arch is significant in that it was built in 1912 to promote the economic interests of Modesto by the Modesto Business Men's Association.
2. Architecturally, the structure is significant as a unique and major symbol of the City of Modesto.
3. Furthermore, the structure is physically and economically capable of being preserved, in that it is owned and maintained by the City of Modesto.

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 designation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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,  
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. 89-1166

A RESOLUTION ESTABLISHING FIRE DEPARTMENT SERVICE FEES RELATING TO CONVAULT TANK INSTALLATION, DANCE PERMITS, EXPLOSIVES PERMIT, HOOD AND DUCT SYSTEM INSTALLATION, MEDICAL GAS SYSTEM INSTALLATION, SPRAY BOOTH INSTALLATION, UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANKS.

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

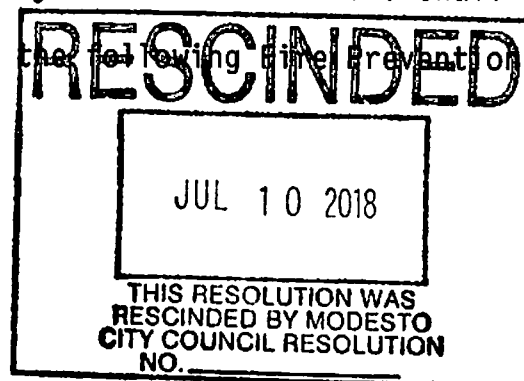
WHEREAS, said fees are necessary to cover administration costs such as employee time, fringe benefits, equipment costs and indirect costs in performing the required work, and

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 December 5, 1989,

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 February 1, 1990 for the following Fire Prevention Bureau inspections:



2018-296

1. CONVAULT TANK INSTALLATION: This is for employee time expended on the installation and approval of above ground vaulted flammable or combustible liquid storage containers.

a. Fire Inspector hourly pay	\$24.66	For	45 min.	\$	18.50
b. Administrative Clerk	\$11.42	For	-- min.		2.86
c. Fringe Benefit @	53.1%				11.23
d. Vehicle Cost per hr.	\$1.31				.98
e. Indirect Cost @	12.3%				4.14
			TOTAL		<u>\$ 37.81</u>

Recommended fee: \$38.00

PROJECTED ANNUAL revenue: Twenty (20) tanks X \$38.00 = \$ 760.00

2. EACH ADDITIONAL CONVAULT TANK INSTALLATION: This is for employee time expended on the installation and approval of above ground vaulted flammable or combustible liquid storage containers.

a. Fire Inspector hourly pay	\$24.66	For	10 min.	\$	4.12
b. Administrative Clerk	\$11.42	For	5 min.		.95
c. Fringe Benefit @	53.1%				2.69
d. Vehicle Cost per hr.	\$1.31				.22
e. Indirect Cost @	12.3%				.98
			TOTAL		<u>\$ 8.97</u>

Recommended fee: \$9.00

PROJECTED ANNUAL revenue: Twenty (20) tanks X \$9.00 = \$ 180.00

3. DANCE PERMIT - INITIAL: A dance permit is required by the fire code. To insure the building is in compliance with safety codes and regulations a physical inspection of the structure is required. This proposed charge is to cover the employee's time that is necessary to conduct the inspection.

a. Fire Inspector hourly pay	\$24.66	For	45 min.	\$	18.50
b. Administrative Clerk	\$11.42	For	10 min.		1.91
c. Fringe Benefit @	53.1%				10.83
d. Vehicle Cost per hr.	\$1.31				.98
e. Indirect Cost @	12.3%				3.96
			TOTAL		<u>\$ 36.18</u>

Recommended fee: \$37.00

PROJECTED ANNUAL revenue: Thirty (30) permits X \$37.00 = \$1,110.00

4. EXPLOSIVE PERMIT: The fire code and health and safety codes require a permit be obtained for the storage, handling or use of explosives. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	45 min.	\$	18.50
b. Administrative Clerk	\$11.42	For	10 min.		1.91
c. Fringe Benefit @	53.1%				10.83
d. Vehicle Cost per hr.	\$1.31				.98
e. Indirect Cost @	12.3%				3.96
				TOTAL	<u>\$36.18</u>

Recommended fee: \$37.00

PROJECTED ANNUAL revenue: Ten (10) permits X \$37.00 = \$ 370.00

5. HOOD AND DUCT SYSTEM INSTALLATION: The installation of an automatic fire extinguishing system for protection of cooking equipment and the associated hood and ventilation duct must be inspected and approved by the fire department. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	1 hr.	\$	24.66
b. Administrative Clerk	\$11.42	For	15 min.		2.86
c. Fringe Benefit @	53.1%				14.61
d. Vehicle Cost per hr.	\$1.31				1.31
e. Indirect Cost @	12.3%				5.34
				TOTAL	<u>\$ 48.78</u>

Recommended fee: \$49.00

PROJECTED ANNUAL revenue: Forty (40) systems X \$49.00 = \$1,960.00

6. MEDICAL GAS SYSTEM INSTALLATION: Medical gas systems require plan review and installation as indicated in the fire code. The proposed charge is to cover the employee's time that is utilized to conduct the required plan review and system inspections.

a. Fire Inspector hourly pay	\$24.66	For	2.25 hr.	\$	55.49
b. Administrative Clerk	\$11.42	For	10 min.		1.91
c. Fringe Benefit @	53.1%				30.48
d. Vehicle Cost per hr.	\$1.31				2.95
e. Indirect Cost @	12.3%				11.17
				TOTAL	<u>\$ 101.99</u>

Recommended fee: \$102.00

PROJECTED ANNUAL revenue: Five (5) systems X \$102.00 = \$ 510.00

7. SPRAY BOOTH INSTALLATION: Spray booths where flammable finishes are applied require inspection, approval and permit as set forth by the fire code. The proposed charge is to cover the employee's time that is utilized to conduct the required plan review and booth inspection.

a. Fire Inspector hourly pay	\$24.66	For	1 hr.	\$	24.66
b. Administrative Clerk	\$11.42	For	10 min.		1.91
c. Fringe Benefit @	53.1%				14.11
d. Vehicle Cost per hr.	\$1.31				1.31
e. Indirect Cost @	12.3%				5.16
		TOTAL		\$	47.15

Recommended fee: \$48.00

PROJECTED ANNUAL revenue: Ten (10) booths X \$48.00 = \$ 480.00

8. UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK, ABANDON/FILL: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	45 min.	\$	18.50
b. Administrative Clerk	\$11.42	For	15 min.		2.86
c. Fringe Benefit @	53.1%				11.34
d. Vehicle Cost per hr.	\$1.31				.98
e. Indirect Cost @	12.3%				4.14
		TOTAL		\$	37.81

Recommended fee: \$38.00

PROJECTED ANNUAL revenue: Twenty (20) tanks X \$38.00 = \$ 760.00

9. EACH ADDITIONAL UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK, ABANDON/FILL: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	10 min.	\$	4.12
b. Administrative Clerk	\$11.42	For	5 min.		.95
c. Fringe Benefit @	53.1%				2.69
d. Vehicle Cost per hr.	\$1.31				.22
e. Indirect Cost @	12.3%				.98
		TOTAL		\$	8.97

Recommended fee: \$9.00

PROJECTED ANNUAL revenue: Forty (40) tanks X \$9.00 = \$360.00

10. UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK INSTALLATION: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	45 min.	\$	18.50
b. Administrative Clerk	\$11.42	For	15 min.		2.86
c. Fringe Benefit @	53.1%				11.34
d. Vehicle Cost per hr.	\$1.31				.98
e. Indirect Cost @	12.3%				4.14
					<u>4.14</u>
				TOTAL	\$ 37.81

Recommended fee: \$38.00

PROJECTED ANNUAL revenue: Thirty (30) tanks X \$38.00 = \$1,140.00

11. EACH ADDITIONAL UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK INSTALLATION: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	15 min.	\$	6.17
b. Administrative Clerk	\$11.42	For	5 min.		.95
c. Fringe Benefit @	53.1%				3.78
d. Vehicle Cost per hr.	\$1.31				.33
e. Indirect Cost @	12.3%				1.38
					<u>1.38</u>
				TOTAL	\$ 12.41

Recommended fee: \$13.00

PROJECTED ANNUAL revenue: Thirty (30) tanks X \$13.00 = \$ 390.00

12. UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK REMOVAL: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	1 hr.	\$	24.66
b. Administrative Clerk	\$11.42	For	15 min.		2.86
c. Fringe Benefit @	53.1%				14.61
d. Vehicle Cost per hr.	\$1.31				1.31
e. Indirect Cost @	12.3%				5.34
					<u>5.34</u>
				TOTAL	\$ 48.78

Recommended fee: \$49.00

PROJECTED ANNUAL revenue: Thirty (30) tanks X \$49.00 = \$1,470.00

13. EACH ADDITIONAL UNDERGROUND FLAMMABLE/COMBUSTIBLE STORAGE TANK REMOVAL: The fire code requires a permit to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. The proposed charge is to cover the employee's time that is utilized to conduct the required inspection.

a. Fire Inspector hourly pay	\$24.66	For	30 min.	\$	12.33
b. Administrative Clerk	\$11.42	For	5 min.		.95
c. Fringe Benefit @	53.1%				7.05
d. Vehicle Cost per hr.	\$1.31				.96
e. Indirect Cost @	12.3%				2.58
		TOTAL		\$	23.57

Recommended fee: \$24.00  
PROJECTED ANNUAL revenue: Thirty (30) tanks X \$24.00 = \$ 720.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of December, 1989, 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. 89-1167

A RESOLUTION GRANTING THE APPEAL OF PHILLIP D. OVERHOLTZER FOR A REVISED PLOT PLAN AND TIME EXTENSION FOR PHASE II OF P-D(368) AND AMENDING SECTIONS 2 AND 3 OF 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".  
(WILSON ASSOC./OVERHOLTZER)

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, 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 December 5, 1989, at 4:00 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 approval of a revised plot plan and time extension for Phase II of P-D(368) should be granted for the following reasons:

1. The revised plot plan is an acceptable alternative to the originally approved plan, retaining the compatibility features, an attractive streetscape, and shared interior circulation.
2. The first phase of the P-D Zone has been completed and the requested extension to the development schedule conforms to the City's time extension policies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Phillip D. Overholtzer for approval of a revised plot plan and time extension for Phase II of P-D(368) is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above, and that Sections 2 and 3 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" is hereby further 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 City Council on December 5, 1989.
2. The developer shall dedicate street right-of-way required by the Public Works and Transportation Director along the Tully Road frontage of the office complex to provide a 50.00 foot width east of the centerline Tully Road. 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.
3. 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.
4. 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 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D(368):

Phase I Completed

Phase II Start construction on or before April 1, 1991, and completion by April 1, 1992."

BE IT FURTHER RESOLVED that all conditions of Modesto City Council Resolution No. 85-99 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 5th day of December, 1989, 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,  
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. 89-1168

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 A REVISED PLOT PLAN AND TIME EXTENSION FOR PHASE II OF P-D(368) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROSEBURG AVENUE AND TULLY ROAD. (WILSON ASSOC./OVERHOLTZER)

WHEREAS, on December 5, 1989, the City Council introduced Resolution No. 89-1167 giving approval to a project relating to a revised plot plan and time extension for Phase II of Planned Development Zone, P-D(368), property located at the southeast corner of Roseburg Avenue and Tully 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 a revised plot plan and time extension for Phase II of Planned Development Zone, P-D(368), property located at the southeast corner of Roseburg Avenue and Tully Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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, 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. 89-1169****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING LEASE AND LEASEBACK OF PARKLAND WITH MODESTO PUBLIC FINANCING AUTHORITY, APPROVING AND AUTHORIZING EXECUTION OF RELATED SITE LEASE, LEASE AGREEMENT AND TRUST AGREEMENT, APPROVING OFFICIAL STATEMENT AND SALE OF NOT TO EXCEED \$1,600,000 CERTIFICATES OF PARTICIPATION, AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTION**

**WHEREAS**, the City has agreed to lease certain property presently used as parkland (the "Project") to the Authority pursuant to that certain Site Lease, dated as of December 1, 1989 (the "Site Lease") by and between the City as lessor and the Authority as lessee; and

**WHEREAS**, the Authority has agreed to lease the Project back to the City pursuant to that certain Lease Agreement, dated as of December 1, 1989, by and between the City and the Authority (the "Lease Agreement");

**WHEREAS**, for the purpose of obtaining the moneys required to finance the lease payment payable by the Authority for the leasehold estate relating to the Project created under the Site Lease, the Authority has agreed to assign and transfer certain of its rights under the Lease Agreement to the Trustee, and in consideration of such assignment and the execution of the Trust Agreement (as hereinafter defined), the Trustee has agreed to execute and deliver Certificates of Participation (Airport Improvements) Series 1989 (the "Certificates"), each evidencing an undivided fractional interest in the Lease Payments made by the City under the Lease Agreement;

**WHEREAS**, Dean Witter Reynolds Inc., as prospective underwriter of the Certificates of Participation (the "Underwriter") has informed the City and the Authority that it intends to submit an offer to purchase the Certificates, and in connection with the remarketing of the Certificates, the Underwriter has caused to be prepared an Official Statement describing the Certificates; and

**WHEREAS**, section 147(f) of the Internal Revenue Code of 1986 requires the City Council of the City, as the duly elected representative of the City, to approve the execution and delivery of the Lease Agreement after a public hearing following reasonable notice;

**WHEREAS**, the City Council has, on the date hereof, held a public hearing following duly published notice thereof, and all persons desiring to be heard have been heard; and

**WHEREAS**, the City Council approves of said transactions in the public interests of the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Modesto as follows:

**Section 1. Lease of Project to Authority.** For the purpose of obtaining funds to finance the renovation and expansion of the main terminal, and making other improvements to the Modesto City-County Airport/Harry Sham Field (the "Airport") the City hereby approves and authorizes the lease of the Project to the Authority, pursuant to and in accordance with the Site Lease, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Manager. The City Manager and the City Clerk are hereby authorized and directed for and in the name and on behalf of the City to execute, attest and affix the seal of the City to said form of Site Lease.

**Section 2. Lease of Project From Authority.** The City Council hereby approves and authorizes the lease of the Project from the Authority pursuant to and in accordance with the Lease Agreement in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Manager or Finance Director. The City Manager, Finance Director and the City Clerk are hereby authorized and directed for and in the name and on behalf of the City to execute, attest and affix the seal of the City to said form of Lease Agreement. The schedule of lease payments set forth in Exhibit B to the Lease Agreement shall conform to the schedule of principal and interest payments represented by the Certificates of Participation, determined pursuant to Section 4 hereof.

**Section 3. Trust Agreement.** The City Council hereby approves the Trust Agreement in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Manager or Finance Director. The City Council hereby authorizes and directs the City Manager or Finance Director to execute, and the City Clerk to attest and affix the seal of the City to, said form of the Trust Agreement for and in the name of the City.

**Section 4. Sale of Certificates.** The City Council hereby approves the sale of the Certificates to the Underwriter pursuant to that certain Purchase Agreement among the City, the Trustee, the Authority and the Underwriter, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Manager or Finance Director, whose execution of said agreement shall be conclusive evidence of his approval of any such changes or additions. The Certificates shall be substantially as described in the form of Official Statement on file with the City Clerk and hereinafter approved. The Finance Director is hereby delegated the authority to execute said Purchase Agreement for and in the name of the City and thereby accept an offer from the Underwriter to purchase the Certificates, which offer is acceptable to the City Manager; provided, however, that the principal amount of the Certificates shall not exceed \$1,600,000, that the Certificates shall be sold for not less than ninety-eight percent (98%) of the par value thereof and provided further that the rate of interest represented by the Certificates shall not exceed eight and one-half percent (8.5%) per annum. The Finance Director is hereby delegated the authority on behalf of the City to approve the terms of any offer by the Underwriter to purchase the Certificates, provided that such offer is in form and substance acceptable to the Finance Director and is within the limitations set forth in this Resolution.

**Section 5. Official Statement.** The City Council hereby approves the preliminary Official Statement describing the Certificates, in substantially the form submitted by the Underwriter and on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Manager or Finance Director. The City Council approves and authorizes the distribution by the Underwriter of said preliminary Official Statement to prospective purchasers of the Certificates of Participation.

**Section 6. Official 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 make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and other documents approved pursuant to this Resolution.

**Section 7. Effective Date.** This Resolution shall take effect from and after the date of its passage and adoption.

PASSED AND ADOPTED this 5th day of December, 1989, by the following vote:

AYES: Bird, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Patterson

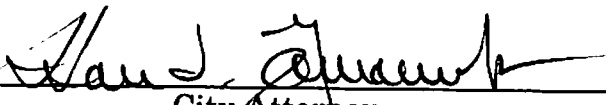
ABSENT: None

(S E A L)

Attest:

By:   
City Clerk

Approved as to Form:

  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1170

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 88-748 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(455). (WEBB CHENEY INVESTMENTS)" TO DIVIDE THE APPROVED OFFICE COMPLEX INTO AIR-SPACE CONDOMINIUM UNITS, PROPERTY LOCATED ON THE NORTH SIDE OF SYLVAN AVENUE AND EAST OF DRAGOO PARK DRIVE. (SYLVAN DRAKE ASSOCIATES)

WHEREAS, the City Council, by Ordinance No. 2615-C.S., which was introduced on October 4, 1988, finally adopted on October 11, 1988, and which became effective on November 10, 1988, amended Section 9-3-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(455), to allow a business/professional office building and parking area, property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive, and

WHEREAS, City Council Resolution No. 88-748, which was adopted on October 4, 1988, approved a development plan for P-D(455) to allow a business/professional office building and parking area, property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive, and contained the conditions of approval thereof, and

WHEREAS, Planning Commission Resolution No. 88-142 approved a revised development plan for P-D(455), which contains five separate buildings rather than one building, nearly equalling the same building area, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(455) was filed by Sylvan Drake Associates on September 21, 1989, to divide the approved office complex into air-space condominium units, 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. 89-133, that an amendment to P-D(455) to divide the approved office complex into air-space condominium units as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone amendment will allow a condominium type of ownership rather than a single ownership with or without rental tenancy.
2. The development plan is identical to that which has already been approved as P-D(455.)

and

WHEREAS, the requested amendment to P-D(455) to divide the approved office complex into air-space condominium units was set for a public hearing before the City Council at its regular meeting place on December 5, 1989, and

WHEREAS, after said public hearing held on December 5, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Sylvan Drake Associates to amend P-D(455) to divide the approved office complex into air-space condominium units, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-133 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 88-748 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(455)" is hereby amended to read as follows to divide the approved office complex into air-space condominium units:

"SECTION 1. DEVELOPMENT PLAN. The development plan for the air-space condominium units portion of P-D(455), is hereby approved subject to the following conditions:

- 1. All development shall conform to the plot plan and floor plans titled "Drake Professional Park" as amended in red, stamped approved by the City Council on November 21, 1989.
2. Prior to the issuance of final occupancy for any structure, a final subdivision map shall be recorded.
3. All conditions of Planning Commission Resolution No. 88-142 not in conflict with this action shall remain in full force and effect."

BE IT FURTHER RESOLVED that all of the other provisions of Council Resolution No. 88-748, 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 5 day of December, 1989, 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, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1171

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO PICKUP TRUCKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two pickup trucks  
copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January , 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 December, 1989, 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1172

A RESOLUTION ACCEPTING THE BID OF D.B. CONSTRUCTION, INC. FOR THE ROSELLE AVENUE CANAL CROSSING AT M.I.D. LATERAL NO. 3

WHEREAS, Resolution No. 89-944 , adopted by the Council of the City of Modesto on September 26, 1989 , approved the plans and specifications for the Roselle Avenue canal crossing at M.I.D. Lateral No. 3

and authorized the calling for bids; and

WHEREAS, the bids received for the Roselle Avenue canal crossing at M.I.D. Lateral No. 3 were opened at 11:00 a.m. on November 2, 1989 , 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 D.B. Construction, Inc. in the amount of \$199,457.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D.B. Construction, Inc. in the amount of \$199,457.50 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 5th day of December , 1989 , 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, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1173

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FOR DEVELOPER'S CONTRIBUTION TOWARD A CAPITAL IMPROVEMENT PROJECT.

WHEREAS, First Fidelity Realty Group, Inc. entered into an agreement with the City of Modesto stating that they would advance the developer's portion of canal crossing fees related to the affected property outside the City limits on the east side of Roselle Avenue at Merle Avenue, and

WHEREAS, the project was originally budgeted during the 1989-90 CIP process in Fund 070, the Gas Tax Fund as project 070-430-P306-6000. It was originally anticipated that \$44,000 would be collected in assessments for this project, and the Gas Tax Fund would provide the remaining funding of \$132,000 for a total project cost of \$176,000. The total anticipated project cost has increased to \$220,000, and

WHEREAS, the budgeted \$44,000 assessment revenue should be reduced to \$0, and

WHEREAS, \$55,000 has already been collected in Fund 130 for this canal crossing, and this advanced developer's share will also be budgeted in Fund 130; therefore, \$110,000 should be transferred from Fund 130 to Fund 070 to properly associate revenue and expenditures,

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>		
070/430/P306/6000	Roselle Avenue Canal Crossing	\$(44,000)
070/430/P306/6000	Roselle Avenue Canal Crossing	88,000
070/800/8000/8003	Contingency Reserve Fd 070	22,000
130/800/8000/8003	Contingency Reserve Fd 130	(55,000)
130/700/7000/7070	Transfer out to Fd 070	110,000
<u>Revenues</u>		
070/510/9510/5101	Assessments	\$(44,000)
130/510/9510/4013.01	Canal Crossing Fee-Roselle	55,000
070/700/7000/9130	Transfer in from Fd 130	110,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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, 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. 89-1174

A RESOLUTION ACCEPTING THE REMOVAL OF EXISTING BLEACHERS AND REPAIR OF CONCRETE AT MANCINI BOWL AS COMPLETE.

WHEREAS, a report has been filed by the Director of Public Works , that the removal of existing bleachers and repair of concrete at Mancini Bowl has been completed by Scrimsher and Mineni Construction in accordance with the contract agreement dated .

NOW, THEREFORE, BE IT RESOLVED that the removal of existing bleachers and repair of concrete at Mancini Bowl

be accepted from said contractor, Scrimsher and Minent Construction ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$17,500 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 5th day of December, 19 89 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1175

A RESOLUTION ACCEPTING THE 1989 STREET OVERLAYS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the 1989 street overlays

has been completed by George Reed, Inc.

in accordance with the contract agreement dated June 6, 1989 .

NOW, THEREFORE, BE IT RESOLVED that the 1989 street overlays

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 \$432,072.66 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 5th day of December,  
19 89 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1176

A RESOLUTION ACCEPTING THE RESIDENTIAL ALLEY PAVING PROJECT NO. 15 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works ,  
that the residential alley paving project No. 15

has been completed by George Reed, Inc.

in accordance with the contract agreement dated September 19, 1989.

NOW, THEREFORE, BE IT RESOLVED that the residential alley paving  
Project No. 15

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 \$138,891.08 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 5th day of December,  
19 89 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1177

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND C.J. RUMBLE AND SONS, INC. FOR LEASE OF CHRYSLER 99 #2 PARK SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and C.J. Rumble and Sons, Inc. for the lease of Chrysler 99 #2 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 5<sup>th</sup> day of December , 19 89 , 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1178

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM CONTINGENCY RESERVE OF \$33,488.00 TO FUND HIRING AN ASSISTANT/ASSOCIATE CIVIL ENGINEER

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Water Contingency Reserve (610 800 8000 8003)	\$33,488.00
TO:	Salaries (610 480 5012 0110)	\$25,760.00
	Benefits (610 480 5012 0188)	7,728.00

An additional engineering position is needed in the water division to assist in the plan layout of surface water augmenting ground water. In addition, a plan with only ground water will be required. Distribution lines, storage facilities and well head treatment facilities will have to be included in both plans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1179

A RESOLUTION APPROVING THE FINAL MAP OF THE CALIFORNIA  
CHARDONNAY UNIT 1 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 14.03 acres, known as the California Chardonnay Unit 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto 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 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 5 day of December, 1989, 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, 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. 89-1180

A RESOLUTION AUTHORIZING CERTAIN NAMED OFFICERS AND EMPLOYEES OF THE CITY OF MODESTO TO BRING CLAIMS ON BEHALF OF THE CITY AND TO DEFEND AGAINST CLAIMS BROUGHT AGAINST THE CITY IN THE STANISLAUS COUNTY MUNICIPAL COURT, SMALL CLAIMS DIVISION, AND SUPERSEDING RESOLUTION NO. 88-332.

WHEREAS, many of the claims brought on behalf of the City of Modesto are most effectively prosecuted through the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, many of the claims brought against the City of Modesto are brought through said Small Claims Court, and

WHEREAS, it appears to the Council of the City of Modesto that it is desirable and necessary to authorize officers and employees of the City to act for and in its behalf in the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, it further appears that Ben Bankard, JoAnn Bertolotti, Norrine Coyle, Marie Giddens, Judy Hall, Bill Harper, Barbara Jaroch, Pete Kolf, Barry Newlin, Laura Parker, John F. Phar, Jim Pregler, and Bill Young are suitable individuals for such authorization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Ben Bankard, JoAnn Bertolotti, Norrine Coyle, Marie Giddens, Judy Hall, Bill Harper, Barbara Jaroch, Pete Kolf, Barry Newlin, Laura Parker, John F. Phar, Jim Pregler, and Bill Young be and are hereby appointed and authorized to appear for and on behalf of the City of Modesto to prosecute and defend all claims on behalf of or against the City which are filed in the Stanislaus County Municipal Court.

BE IT FURTHER RESOLVED that the above-named officers and employees employed in the office of the City Clerk, to wit: Norrine Coyle and Judy Hall, are further authorized and empowered to accept service of process issued by said Court on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 88-332.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of December, 1989, 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, 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. 89-1181

A RESOLUTION AMENDING THE 1989-90 COMMUNITY DEVELOPMENT BLOCK GRANT FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES BY APPROVING A GRANT NOT TO EXCEED \$2,500.00 TO COMMUNITY TEMPORARY SHELTER SERVICES FOR EMERGENCY SHELTER NEEDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Community Development Block Grant Program requires primary benefit to low and moderate income persons, and

WHEREAS, Community Temporary Shelter Services had requested City assistance in providing shelter to tenants evicted from the Hotel Covell on a one-time-only basis, and

WHEREAS, City staff had determined that the evicted Hotel Covell tenants are low income and in immediate need of housing assistance, and

WHEREAS, it was not possible to call a special meeting of the Citizens Housing and Community Development Committee on short notice, because of the California Brown Act, and

WHEREAS, the City Manager has the authority to utilize Community Development Block Grant funds in an emergency situation, and

WHEREAS, the City Manager has authorized a one-time grant of \$2,500.00 to Community Temporary Shelter Services to assist in emergency housing of the evicted Hotel Covell tenants,

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 the emergency grant not to exceed \$2,500.00 to Community Temporary Shelter Services to assist in housing evicted tenants of the Hotel Covell on a one-time-only basis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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, 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. 89-1182

A RESOLUTION AMENDING SECTION 4 OF RESOLUTION NO. 89-766 ENTITLED "A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES AND SUPERSEDING RESOLUTION NO. 88-435" TO REVISE INDUSTRIAL SERVICE SEWER CHARGES.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council by Resolution No. 89-766 has previously established sewer service charges, and

WHEREAS, City staff has recommended adjustment in the various sewer service charges, and

WHEREAS, on December 5, 1989, the Council held a public hearing to consider the recommended adjustments in the sewer service charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT OF COUNCIL RESOLUTION NO. 89-766. That Section 4 of Resolution No. 89-766 entitled "A Resolution Establishing Sewer Service Charges and Superseding Resolution No. 88-435" is hereby amended to read as follows:

"SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after January 1, 1990:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$518.60 per million gallons of total flow.

1. If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

2. If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
  3. In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$61.34 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$56.46 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate of 135% of the charges set forth in subsections (a), (b), (c), and (d) above."

SECTION 2. EFFECTIVE DATE. This resolution shall become effective and apply on and after January 1, 1990.

SECTION 3. RESOLUTION NO. 89-766. All other provisions of Modesto City Council Resolution No. 89-766 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 5 day of December, 1989, 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, 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. 89-1183

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATIONAL SYSTEMS, INC., FOR THE REVISION OF WORKING CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR FLOYD #2 NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Recreational Systems, Inc. for the revision of working construction drawings and specifications for Floyd #2 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 5th day of December , 19 89 , 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, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1184

A RESOLUTION AMENDING SECTION 4 OF MODESTO CITY COUNCIL RESOLUTION NO. 88-792 ENTITLED "A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 86-549" RELATING TO HOLIDAYS.

WHEREAS, the Council adopted Resolution No. 88-792 which became effective November 1, 1988, entitled "A Resolution Establishing Rates and Conditions for Play on the Modesto Municipal Golf Course and the Dryden Park Municipal Golf Course and Rescinding Resolution No. 86-549", and

WHEREAS, the Council desires to amend said Resolution No. 88-792 to include Martin Luther King's Birthday, Admission Day and the day after Thanksgiving as holidays and to delete Christmas Day as a holiday, as the golf courses are closed on Christmas Day,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 4 of Resolution No. 88-792 entitled "A Resolution Establishing Rates and Conditions for Play on the Modesto Municipal Golf Course and the Dryden Park Municipal Golf Course and Rescinding Resolution No. 86-549" is hereby amended to read as follows:

"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, Armistice Day, Thanksgiving Day and the day after Thanksgiving."

BE IT FURTHER RESOLVED that all other provisions of Modesto City Council Resolution No. 88-792 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 5 day of December, 1989, 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, 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. 89-1185

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FOOD SERVICE MANAGEMENT FOR CONTINUED PROVISION OF FOOD SERVICE AT THE CENTRE PLAZA

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Food Service Management for continued provision of food service at the Centre Plaza

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December , 1989 , 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1186

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH CITIES IN STANISLAUS COUNTY RELATING TO FORMAL PROBATION FOR DRIVING UNDER THE INFLUENCE (DUI) CONVICTIONS TO PROVIDE A MECHANISM FOR A COMMON LEGAL CLAIM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the joint powers agreement with cities in Stanislaus County relating to formal probation for Driving Under the Influence (DUI) convictions to provide a mechanism for a common legal claim be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 December, 1989, 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1187

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE A TRANSFER FROM FUND 190 FOR THE AIRPORT TERMINAL EXPANSION PROJECT.

WHEREAS, it is recommended that a portion of the balance of the proceeds of the 1986 Certificate of Participation, originally issued for the purchase of the Crocker Bank Building and other capital improvements and accounted for in Fund 190, may be used to offset the City's cost of construction of the airport terminal expansion, and

WHEREAS, ten percent (10%) of the 1986 COP can be used for private activity financing. The airport terminal project will have a substantial portion of private activity associated with it in terms of use by rental car companies, commuter airlines, etc. This transfer is below the ten percent (10%) ceiling, and

WHEREAS, it is recommended that a transfer from Fund 190 be initiated for a total disbursement of \$341,600. A transfer in the amount of \$305,600 to the Construction Account in Fund 632, held by Bankers Trust Company, and a transfer in the amount of \$36,000 to fund 210, Public Financing Authority capital projects fund, to provide partial funding for the airport terminal construction and costs of issuance, respectfully, as outlined in the bond financing documents, and

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.

<u>Fund/Agy/Org/Object</u>	<u>Description</u>	<u>Increase (Decrease)</u>
<u>Revenues</u>		
632-700-7000-9190	Transfer in from Fund 190	\$305,600
210-700-7000-9190	Transfer in from Fund 190	36,000
<u>Expenditures</u>		
190-800-8000-8003	Fund 190 Contingency Reserve	\$(341,600)
190-700-7000-7632	Transfer out to Fund 632	305,600
190-700-7000-7210	Transfer out to Fund 210	36,000
632-480-G472-6000	Airport Passenger Terminal	305,600
210-120-DS21-0454	Cost of Issuance	36,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1989, 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, 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. 89-1188**

**A RESOLUTION AUTHORIZING ISSUANCE OF BONDS OF**

**CITY OF MODESTO  
Local Improvement District No. 28**

**Adopted December 5, 1989**

---

---

## TABLE OF CONTENTS

Page

### ARTICLE I

#### DEFINITIONS; GENERAL

Section 1.01.	Definitions.....	2
Section 1.02.	Rules of Construction.....	7
Section 1.03.	Equal Security.....	7

### ARTICLE II

#### ISSUANCE OF BONDS

Section 2.01.	Bonds Authorized .....	8
Section 2.02.	Unpaid Assessments.....	8
Section 2.03.	Issuance of Bonds .....	8
Section 2.04.	Maturities of Bonds.....	8
Section 2.05.	Interest on Bonds.....	8
Section 2.06.	Designation of Agent .....	9
Section 2.07.	Form of Bonds .....	9
Section 2.08.	Preparation and Delivery of Bonds.....	9
Section 2.09.	Execution of Bonds.....	9
Section 2.10.	Transfer and Exchange of Bonds .....	9
Section 2.11.	Temporary Bonds .....	10
Section 2.12.	Bond Registration Books .....	10
Section 2.13.	Bonds Mutilated, Lost, Destroyed or Stolen.....	10
Section 2.14.	Redemption Prior to Maturity .....	11
Section 2.15.	Refunding of Bonds .....	11

### ARTICLE III

#### SALE AND DELIVERY OF BONDS

Section 3.01.	Sale of Bonds .....	12
Section 3.02.	Further Authority .....	12

### ARTICLE IV

#### APPLICATION OF PROCEEDS OF BONDS; ESTABLISHMENT OF FUNDS

Section 4.01.	Application of Proceeds of Sale of Bonds .....	13
Section 4.02.	Improvement Fund.....	13
Section 4.03.	Reserve Fund.....	13
Section 4.04.	Redemption Fund .....	13
Section 4.05.	Cost of Issuance Account .....	13
Section 4.06.	Investment of Funds.....	14

**ARTICLE V**  
**COVENANTS OF THE CITY; TAX COVENANTS**

Section 5.01.	Collection of Unpaid Assessments .....	15
Section 5.02.	Foreclosure .....	15
Section 5.03.	No Advances from Available Surplus Funds .....	15
Section 5.04.	Punctual Payment; Compliance With Documents.....	15
Section 5.05.	No Priority for Additional Obligations.....	15
Section 5.06.	No Arbitrage .....	15
Section 5.07.	Information Report.....	15
Section 5.08.	Private Business Use Limitation .....	16
Section 5.09.	Private Loan Limitation .....	16
Section 5.10.	Federal Guarantee Prohibition.....	16
Section 5.11.	Small Issuer Exemption From Rebate Requirements.....	16
Section 5.12.	Small Issuer Exemption From Bank Nondeductibility Restriction .....	16
Section 5.13.	Further Assurances .....	16
Section 5.14.	Amendment .....	16

**ARTICLE VI**  
**MISCELLANEOUS**

Section 6.01.	Funds and Accounts .....	18
Section 6.02.	Partial Invalidity .....	18
Section 6.03.	Defeasance.....	18
Section 6.04.	Repeal of Inconsistent Resolutions.....	18
Section 6.05.	Authority of Treasurer .....	18
Section 6.06.	Certified Copies .....	18
Section 6.07.	Effective Date of the Resolution.....	19

\*\*\*\*\*

EXHIBIT A – Form of Bond

**A RESOLUTION AUTHORIZING ISSUANCE OF BONDS**

**CITY OF MODESTO**  
**Local Improvement District No. 28**

**RESOLVED**, by the Council (the "Council") of the City of Modesto (the "City"), County of Stanislaus, State of California, that

**WHEREAS**, on August 22, 1989, this Council passed and adopted Resolution of Preliminary Determination and of Intention No. 89-869 (the "Resolution of Intention") relating to the acquisition and/or construction of public improvements under and pursuant to the provisions of the Municipal Improvement Act of 1913 Division 12 of the California Streets and Highways Code for the Local Improvement District No. 28. By the Resolution of Intention, the Council provided that serial bonds would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the California Streets and Highways Code and reference to the Resolution of Intention is hereby expressly made for further particulars;

**WHEREAS**, notice of the recordation of the assessment and of the time within which assessments were to be paid in cash was duly published and mailed in the manner provided by law, and the time so provided for receiving payment of assessments in cash expired, and the Director of Finance, being the official who has been designated as Collection Officer for cash payments of said assessments, has filed with the City, a list of all assessments which remained unpaid;

**NOW, THEREFORE, IT IS ORDERED** as follows:

## ARTICLE I

### DEFINITIONS; GENERAL

**Section 1.01. Definitions.** Unless the context otherwise requires, the terms defined in this Section shall, for all purposes of this Resolution and of any Supplemental Resolution and of the Bonds and of any certificate, opinion, request or other document herein mentioned, have the meanings herein specified.

"Act" means the Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code.

"Agent" means Bankers Trust Company of California, National Association, appointed under Section 2.06 hereof to perform the duties of authentication, registration, transfer and payment of the Bonds and the Agent's assigns or a any other corporation or association which may at any time be substituted in its place.

"Assessment" means the special assessments levied against all taxable real property within the boundaries of the District pursuant to the Bond Law which are subject to assessment pursuant to the Resolution of Intention, for the purpose of paying principal of and/or interest on the Bonds.

"Authorized Investments" means any securities (other than those identified in paragraphs (a) and (d) of Section 53601 of the Government Code of the State) in which the City may legally invest funds subject to its control, pursuant to Article 1, commencing with Section 53600, of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code of the State, as now or hereafter amended.

"Available Surplus Funds" means any surplus moneys held by the City at the end of each Fiscal Year in excess of the amounts required to pay lawful municipal obligations incurred in that Fiscal Year.

"Bond Date" means the date upon which the Bonds are issued as provided in the Bond Purchase Agreement.

"Bond Denomination" means the amount of \$5,000 or any integral multiple thereof, which is the minimum amount in which the Bonds may be issued, except that one Bond may contain any odd amount.

"Bond Law" means the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California.

"Bond Purchase Agreement" means the agreement applicable to the portion of the Bonds being sold between the City and the Original Purchaser whereby the City agrees to sell and the Original Purchaser agrees to buy all or a designated portion of the Bonds.

"Bond Registration Books" means the books maintained by the Agent pursuant to Section 2.12 for the registration and transfer of ownership of the Bonds.

"Bonds" or "Bonds of this Issue" means Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 28, issued and at any time Outstanding.

"Bond Year" means the twelve-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the following year except that (i) the first Bond Year shall begin on the Closing Date, and (ii) the last Bond Year may end on a prior redemption date.

"Certificate of the City" means a written certificate, statement, request, order or requisition signed by the Director of Finance or by any other officer of the City duly authorized by the Council for that purpose.

"City" means the City of Modesto, a chartered city and municipal corporation organized and existing under its charter and the Constitution and laws of the State, and any successor thereto.

"City Clerk" means the duly elected, qualified and acting City Clerk of the City.

"Closing Date" means the date upon which there is an exchange of any of the Bonds for the proceeds representing the purchase price of such Bonds by the Original Purchaser thereof.

"Costs of Issuance" means all expenses incurred in connection with the authorization, issuance, sale and delivery of the Bonds, including but not limited to compensation, fees and expenses of the City and the Agent and their respective counsel, compensation to any financial consultants and underwriters (other than those taken as discount on the Closing Date), legal fees and expenses, filing and recording costs, rating agency fees, costs of preparation and reproduction of documents, costs of compliance with Tax Regulations and any costs of printing, mailing and publication.

"Council" means the Council of the City.

"Debt Service" means the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

"Director of Finance" means the duly appointed, qualified and acting Director of Finance or assistant or deputy thereof.

"District" means that portion of the City described the area of the City denominated "Local Improvement District No. 28" established in proceedings pursuant to the Resolution of Intention.

"Excess Investment Earnings" means and includes the following amounts with respect to the Bonds:

- (a) the excess of

- (i) the aggregate amount earned from the Closing Date on all Nonpurpose Investments in which Gross Proceeds are invested (other than amounts attributable to an excess described in this paragraph (a)), over
  - (ii) the amount which would have been earned if the Yield on such Nonpurpose Investments (other than amounts attributable to an excess described in this paragraph (a)) had been equal to the Yield on the Bonds, plus
- (b) any income attributable to the excess described in the preceding paragraph (a).

"Federal Securities" means any of the following which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

(a) direct general obligations of the United States of America (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America); and

(b) obligations of any department, agency or instrumentality of the United States of America the timely payment of principal of and interest on which are unconditionally and fully guaranteed by the United States of America.

"Fiscal Year" means the period commencing on July 1 of each year and terminating on the next succeeding June 30.

"Gross Proceeds" means and includes, with respect to any Bonds, all of the following amounts:

(a) original proceeds, namely, the net amounts remaining from the sale of the Bonds after payment of all Costs of Issuance, including accrued interest but excluding underwriter's and original issue discount, and excluding any such proceeds which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(b) investment proceeds, namely, amounts received at any time from the investment of any proceeds described in the preceding clause (a), or from the investment of amounts described in this clause (b), in Nonpurpose Investments, increased by the amount of any profits and decreased (if necessary, below zero) by the amount of any losses on such investments, excluding such amounts which become transferred proceeds (determined in accordance with applicable Tax Regulations) of obligations issued to refund the Bonds in whole or in part;

(c) sinking fund proceeds, namely, amounts, other than amounts described in the preceding clauses (a) and (b), which are held in the Redemption Fund and any other Fund or Account which is reasonably expected to be used to pay Debt Service;

(d) Investment Property pledged as security for payment of Debt Service by the City;

(e) any amounts, other than amounts described elsewhere in this definition, used to pay Debt Service; and

(f) amounts received as a result of the investment of amounts described in this definition.

"Improvement Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.02 hereof.

"Interest Payment Date" means each date upon which interest on the Bonds is payable, beginning March 2, 1990, and semiannually on each September 2 and March 2 thereafter until maturity.

"Investment Property" means any security (as said term is defined in section 165(g)(2)(A) or (B) of the Tax Code), obligation, annuity or investment-type property, excluding, however, obligations (other than specified private activity bonds defined in section 57(e)(5) and (6) of the Tax Code) the interest on which is exempt from income tax under section 103 of the Tax Code.

"List of Unpaid Assessments" means the list on file in the office of the Treasurer showing all of the unpaid assessments levied in proceedings under the Resolution of Intention.

"Nonpurpose Investment" means any Investment Property which is acquired with the Gross Proceeds and is not acquired in order to carry out the governmental purpose of the Bonds.

"Original Purchaser" means Dean Witter Reynolds, Inc. as first purchaser of the Bonds from the City.

"Outstanding", when used as of any particular time with reference to Bonds, means all Bonds therefore executed, issued and delivered by the City under this Resolution except:

(a) Bonds theretofore cancelled by the Agent or surrendered to the Agent for cancellation;

(b) Bonds paid or deemed to have been paid within the meaning of Section 2.14; and

(c) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City pursuant to this Resolution or any Supplemental Resolution.

"Owner" or "Bond Owner", when used with respect to any Outstanding Bond, means the person in whose name the ownership of such Bond shall be registered on the Bond Registration Books.

"Principal Office" means the main or principal office of the Agent in San Francisco, California handling its corporate trust business.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding use by a governmental unit and use by any person as a member of the general public.

"Proceeds", when used with reference to the Bonds, means the face amount of the Bonds, plus accrued interest and premium, if any, less original issue discount, if any.

"Project" means the acquisition and improvements described in the Resolution of Intention and of changes and modification and approved thereto by the Council.

"Purchase Price", for the purpose of computation of the Yield of the Bonds, has the same meaning as the term "issue price" in sections 1273(b) and 1274 of the Tax Code, and, in general, means the initial offering price to the public (not including bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of the Bonds are sold or, if the Bonds are privately placed, the price paid by the original purchaser of the Bonds or the acquisition cost of such original purchaser. The term "Purchase Price", for the purpose of computation of the Yield of Nonpurpose Investments, means the fair market value of the Nonpurpose Investments on the date of use of Gross Proceeds for acquisition thereof, or if later, on the date that Investment Property constituting a Nonpurpose Investment becomes a Nonpurpose Investment of the Bonds.

"Record Date" means, with respect to the Bonds, the fifteenth (15th) day immediately preceding an Interest Payment Date.

"Redemption Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.04 hereof.

"Redemption Price" means, with respect to any Bond, the principal amount thereof, plus the applicable premium, if any, payable upon redemption thereof pursuant to the Resolution.

"Redemption Premium" means 3% of the principal amount of the Bonds.

"Reserve Fund" means the fund of that name established and held by the Treasurer pursuant to Section 4.03 hereof.

"Reserve Requirement" means five percent (5%) of the principal amount of the Bonds.

"Resolution" or "Resolution of Issuance" means this Resolution, as originally adopted or as it may from time to time be supplemented, modified or amended by any Supplemental Resolution pursuant to the provisions hereof.

"Resolution of Intention" means Resolution No. 89-869, entitled A Resolution of Preliminary Determination and of Intention to Make Acquisitions and Improvements, adopted by the Council on August 22, 1989, as modified or amended and in effect on the Closing Date.

"State" means the State of California.

"Supplemental Resolution" means any resolution, agreement, resolution or other instrument hereafter duly adopted or executed by the City in accordance with the provisions of this Resolution.

"Tax Code" means the Internal Revenue Code of 1986, as amended. Any reference to a provision of the Tax Code shall include the applicable Tax Regulations with respect to such provision.

"Tax Regulations" means temporary and permanent regulations promulgated under the Tax Code.

"Treasurer" means, for all purposes hereof, including the execution of the Bonds pursuant to Section 2.09 hereof, the Director of Finance of the City.

"Yield" means that yield which, when used in computing the present worth of all payments of principal and interest (or other payments in the case of Nonpurpose Investments which require payments in a form not characterized as principal and interest) on a Nonpurpose Investment or on the Bonds produces an amount equal to the Purchase Price of such Nonpurpose Investment or the Bonds, as the case may be, all computed as prescribed in the applicable Tax Regulations.

**Section 1.02. Rules of Construction.** All references in this Resolution to "Articles", "Sections", and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution; and the words "herein", "hereof", "hereunder" and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons.

**Section 1.03. Equal Security.** In consideration of the acceptance of the Bonds by the Owners thereof, this Resolution shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Bonds; and the covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal and proportionate benefit, security and protection of all Owners of the Bonds without preference, priority or distinction as to security or otherwise of any of the Bonds over any of the others by reason of the number or date thereof or the time of sale, execution or delivery thereof, or otherwise for any cause whatsoever, except as expressly provided therein or herein.

## ARTICLE II

### ISSUANCE OF BONDS

**Section 2.01. Bonds Authorized.** All acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and the Council is now authorized pursuant to each and every requirement of law to issue the Bonds in the manner and form as in this Resolution provided.

**Section 2.02. Unpaid Assessments.** The assessments now remaining unpaid are as shown on the List of Unpaid Assessments on file with the Treasurer, which list is incorporated herein by this reference made a part hereof. The aggregate amount thereof is not to exceed \$909,100.85. The List of Unpaid Assessments is hereby approved. For a particular description of the lots or parcels of land bearing the respective assessment numbers set forth in said list, reference is hereby made to the assessment and to the diagram, and any amendments thereto recorded in the office of the Director of Public Works, as the Superintendent of Streets, of the City after confirmation thereof by the Council.

**Section 2.03. Issuance of Bonds.** The Bonds, in the aggregate principal amount of not to exceed \$909,100.85, shall be issued as hereinafter provided upon the security of said unpaid assessments in accordance with, under and pursuant to the provisions of said Resolution of Intention and the proceedings thereunder duly had and taken. The Bonds shall be known as "Limited Obligation Bonds, City of Modesto, Local Improvement District No. 28".

**Section 2.04. Maturities of Bonds.** The Bonds shall be issued in only fully registered form, without coupons, in the Bond Denomination or any integral multiple thereof, so long as no Bond shall have more than one maturity date. The Bonds shall be dated and mature on September 2 in each of the years and in the amounts set forth in the Bond Purchase Agreement. The Bonds shall be numbered or otherwise identified as determined by the Agent.

**Section 2.05. Interest on Bonds.** The Bonds shall bear interest at the rate or rates set forth in the Bond Purchase Agreement.

Interest on the Bonds shall be payable on each Interest Payment Date to the person whose name appears on the Bond Registration Books as the Owner thereof as of the Record Date immediately preceding each such Interest Payment Date, such interest to be paid by check or draft of the Agent mailed to the Owner, at the address of such Owner as it appears on the Bond Registration Books. Principal of and premium (if any) on any Bond shall be paid upon presentation and surrender thereof at the Principal Office of the Agent. Both the principal of and interest and premium (if any) on the Bonds shall be payable in lawful money of the United States of America.

The Bonds shall bear interest from the Interest Payment Date next preceding the date of authentication of the Bonds (except for any Bond which is authenticated on an Interest Payment Date, in which event such Bond shall bear interest from such date of authentication, and except for any Bond which is authenticated prior to the first Interest

Payment Date, in which event such Bond shall bear interest from the Bond Date); provided, however, that if, as of the date of authentication of any Bond, interest thereon is in default, such Bond shall bear interest from the date to which interest has previously been paid or made available for payment in full.

**Section 2.06. Designation of Agent.** Bankers Trust Company of California, National Association, is hereby designated as the Agent to perform the actions and duties required under this Resolution for the authentication, transfer, registration, and payment of the Bonds. The Treasurer is hereby authorized and directed to enter into agreements with the Agent in furtherance of the actions and duties of the Agent under this Resolution.

**Section 2.07. Form of Bonds.** The Bonds, the form of Agent's certificate of authentication, and the form of assignment to appear thereon, shall be substantially in the respective form set forth in Exhibit "A" attached hereto and by this reference incorporated herein, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution.

**Section 2.08. Preparation and Delivery of Bonds.** Upon execution of the Bond Purchase Agreement by the Treasurer, the Treasurer is hereby directed to cause the Bonds to be prepared in accordance with this Resolution and to deliver same upon their completion and execution to the Agent who shall authenticate and deliver the Bonds to the purchaser thereof, upon receipt of the purchase price therefor, and upon receipt of the request of the City.

**Section 2.09. Execution of Bonds.** The Bonds shall be signed in the name and on behalf of the City with the manual or facsimile signatures of its Treasurer attested by the manual or facsimile signature of the City Clerk. The Bonds shall then be delivered to the Agent for authentication by it. In case any officer who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been authenticated or delivered by the Agent or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and, upon such authentication, delivery and issue, shall be as binding upon the City as though the individual who signed the same had continued to be such officer of the City. Also, any Bond may be signed on behalf of the City by any individual who on the actual date of the execution of such Bond shall be the proper officer although on the nominal date of such Bond such individual shall not have been such officer.

Only such of the Bonds as shall bear thereon a certificate of authentication in substantially the form set forth in Exhibit "A", manually executed by the Paying Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of the Agent shall be conclusive evidence that the Bonds so authenticated have been duly authenticated and delivered hereunder and are entitled to the benefits of this Resolution. The Agent's certificate of authentication on any Bonds shall be deemed to be executed by it if signed by an authorized officer or signatory of the Agent, but it shall not be necessary that the same officer or signatory sign the certificate of authentication on all of the Bonds issued hereunder.

**Section 2.10. Transfer and Exchange of Bonds.** Any Bond may, in accordance with its terms, be transferred upon the Bond Registration Books by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Agent, duly executed. Whenever any Bond shall be surrendered for transfer, the Agent shall thereupon authenticate and deliver to the transferee a new Bond or Bonds of like tenor, maturity and aggregate principal amount. Bonds may be exchanged at the Principal Office of the Agent, for Bonds of the same tenor and maturity and of other authorized denominations. No Bonds the notice of redemption of which has been mailed pursuant to Section 2.14 shall be subject to transfer or exchange pursuant to this Section. Neither the City nor the Agent shall be required to make such exchange or registration or transfer of Bonds during the fifteen (15) days immediately preceding any Interest Payment Date.

**Section 2.11. Temporary Bonds.** The Bonds may be issued initially in temporary form exchangeable for definitive Bonds when ready for delivery. The temporary Bonds may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the Council and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Bond shall be executed by the officers designated and in the manner provided in Section 2.09 hereof and be registered and authenticated by the Agent upon the same conditions and in substantially the same manner as the definitive Bonds. If the Council issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds may be surrendered, for cancellation, in exchange therefor at the Principal Office of the Agent, and the Agent shall authenticate and deliver in exchange for such temporary Bonds an equal aggregate principal amount of definitive Bonds of authorized denominations. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Resolution as definitive Bonds authenticated and delivered hereunder.

**Section 2.12. Bond Registration Books.** The Agent will keep or cause to be kept at its Principal Office sufficient Bond Registration Books for the registration and transfer of the Bonds, which shall at all times during regular business hours be open to inspection by the City; and, upon presentation for such purpose, the Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on said books, Bonds as hereinbefore provided.

**Section 2.13. Bonds Mutilated, Lost, Destroyed or Stolen.** If any Bond shall become mutilated, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Agent of the Bond so mutilated. Every mutilated Bond so surrendered to the Agent shall be cancelled by it and delivered to, or upon the order of, the City. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and the Agent and, if such evidence be satisfactory to them and indemnity satisfactory to them shall be given, the Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Agent). The City may

require payment of a reasonable fee for each new Bond issued under this Section and of the expenses which may be incurred by the City and the Agent. Any Bond issued under the provisions of this Section in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original contractual obligation on the part of the City whether or not the Bond alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Bonds secured by this Resolution.

**Section 2.14. Redemption Prior to Maturity.** Each Bond, or any portion thereof in the amount of the Bond Denomination or any integral multiple thereof, outstanding may be redeemed and paid in advance of maturity upon any Interest Payment Date in any year by giving 30-day's notice by registered or certified mail or personal service to the Registered Owner as required by applicable provisions of the Bond Law and by paying the principal amount thereof together with the Redemption Premium plus interest to the date of advanced maturity, unless sooner surrendered, in which event said interest will be paid to the date of payment, all in the manner and as provided in the Bond Law.

The Treasurer shall cause to be called for redemption and retire Bonds upon prepayment of assessments in amounts sufficient therefor, or whenever sufficient surplus funds are available therefor in the Redemption Fund.

The provisions of Part 11.1 of the Bond Law are applicable to the advance payment of assessments and to the calling of the Bonds.

**Section 2.15. Refunding of Bonds.** The Bonds may be refunded by the City pursuant to Divisions 11 or 11.5 of the Streets and Highways Code of the State of California upon the conditions as set forth in appropriate proceedings therefor, all as determined by the Council.

## ARTICLE III

### SALE AND DELIVERY OF BONDS

**Section 3.01. Sale of Bonds.** The Bonds shall be sold to the Original Purchaser pursuant to a Bond Purchase Agreement or Agreements between the City and Original Purchaser. The Treasurer is hereby authorized to sell the Bonds and to negotiate and execute a Bond Purchase Agreement with the Original Purchaser thereof, subject to such conditions as, by separate resolution of the Council, may be established.

**Section 3.02. Further Authority.** The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

The Treasurer and the City Clerk are authorized to complete and to approve changes in any provisions of this Resolution in order to accomplish the delivery of any of the Bonds on schedule; such changes may be accomplished by attachment of a certificate executed by both such officers to this Resolution on file in the office of the City Clerk.

## ARTICLE IV

### APPLICATION OF PROCEEDS OF BONDS; ESTABLISHMENT OF FUNDS

**Section 4.01. Application of Proceeds of Sale of Bonds.** Upon receipt of the proceeds of sale of the Bonds on any Closing Date, the proceeds thereof shall be forthwith set aside, paid over and deposited by the Treasurer, as set forth in the Bond Purchase Agreement and appropriate Certificate(s) of the City.

**Section 4.02. Improvement Fund.** There is hereby created a separate fund to be known as the "Local Improvement District No. 28 Improvement Fund" (the "Improvement Fund"), which shall be held in trust by the Treasurer. The Treasurer shall disburse moneys in the Improvement Fund for the purpose of paying or reimbursing the costs of acquiring and constructing the Project, including but not limited to all costs incidental to or connected with such acquisition and construction: Disbursements from the Improvement Fund shall be subject to the provisions of Sections 5.08 and 5.09 hereof. Any surplus remaining after payment of all said costs and expenses shall be used as set forth in the proceedings pursuant to the Resolution of Intention and applicable provisions of the Act and the Improvement Fund shall be closed.

**Section 4.03. Reserve Fund.** There is hereby created a special fund known as the "Local Improvement District No. 28 Reserve Fund" (the "Reserve Fund"). The amount of the Reserve Fund shall not exceed the Reserve Requirement. The moneys in the Reserve Fund shall constitute a trust fund for the benefit of the Registered Owners of the Bonds and shall be administered by the City in accordance with and pursuant to the provisions of Part 16 of the Bond Law; provided that proceeds from redemption or sale of the properties with respect to which payment of delinquent assessments and interest thereon was paid from the Reserve Fund, shall be credited to the Reserve Fund; and provided further that for the purposes of maintaining the Reserve Requirement and providing for any required reduction of the amount of money in the Reserve Fund during the term of the Bonds pursuant to Section 8887 of the Bond Law, and applicable provisions of the Code, all proceeds from investment of moneys in the Reserve Fund shall accrue to the Reserve Fund or be credited upon the assessments.

**Section 4.04. Redemption Fund.** There is hereby created a special fund known as the "Local Improvement District No. 28 Limited Obligation Improvement Bonds Redemption Fund" (the "Redemption Fund"). The Treasurer shall place in the Redemption Fund any amounts of accrued interest upon the Bonds from the Bond Date to the Closing Date and premium (if any) received upon the sale of the Bonds, together with any capitalized interest received as a part of the purchase price of the Bonds and all sums received from the collection of unpaid assessments provided in Section 5.01 hereof, and of the interest and penalties thereon. From the Redemption Fund disbursements shall be made to pay the principal or advance redemption price of the Bonds and the interest due thereon.

**Section 4.05. Cost of Issuance Account.** There is hereby created within the Improvement Fund, a special account to be known as the "Local Improvement District No. 28 Cost of Issuance Account" (the "Cost of Issuance Account"), which the City hereby covenants and agrees to cause to be maintained and which shall be held in trust

by the Treasurer. The moneys in the Cost of Issuance Account shall be used in the manner provided by law solely for the purpose of the payment of Costs of Issuance, on or after the Closing Date. Any funds remaining in the Cost of Issuance Fund on the date that is six months after the Closing Date, shall be transferred to the Improvement Fund.

**Section 4.06. Investment of Funds.** Moneys in the Improvement Fund, Redemption Fund, and the Reserve Fund shall, whenever practicable, be invested in Authorized investments, maturing on a date prior to which such moneys are expected to be required. Any income therefrom or interest thereon shall accrue to and be deposited in the fund from which said moneys were invested.

## ARTICLE V

### COVENANTS OF THE CITY; TAX COVENANTS

**Section 5.01. Collection of Unpaid Assessments.** The unpaid assessments as set forth on the list thereof on file with the Treasurer together with the interest thereto, shall be payable in annual series corresponding in number to the number of serial maturities of the Bonds issued. An annual proportion of each unpaid assessment shall be payable in each year preceding the date of maturity of each of the several series of Bonds issued, sufficient to pay the Bonds when due and such proportion of each unpaid assessment coming due in any year, together with the annual interest thereon, shall be payable in the same manner and at the same time and in the same installments as the general taxes on real property are payable, and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interests after delinquency as do the general taxes on real property. All sums received from the collection of said unpaid assessments and of the interest and penalties thereon shall be placed in the Redemption Fund.

**Section 5.02. Foreclosure.** The City hereby covenants with and for the benefit of the Owners of the Bonds that it will order, and cause to be commenced within 150 days following the date of delinquency, and thereafter diligently prosecuted, an action in the superior court to foreclose the lien of any assessment or installment thereof not paid when due, pursuant to and as provided in sections 8830 through 8835, inclusive, of the Bond Law.

**Section 5.03. No Advances from Available Surplus Funds.** The City shall not be obligated to advance available surplus funds of the City to cure any deficiency which may occur in the Redemption Fund; provided, however, that said determination shall not prevent the City, in its sole discretion, from so advancing funds.

**Section 5.04. Punctual Payment; Compliance With Documents.** The City shall punctually pay or cause to be paid the interest and principal to become due with respect to all of the Bonds in strict conformity with the terms of the Bonds and of this Resolution, and will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions.

**Section 5.05. No Priority for Additional Obligations.** The City covenants that no additional bonds or other obligations shall be issued or incurred having any priority over the Bonds in payment of principal or interest out of the Assessments. Nothing in this Resolution shall prohibit or impair the authority of the City to issue bonds or other obligations secured by and payable from Assessments which are on a parity with or subordinate to the Bonds, upon such terms and in such principal amounts as the City may determine.

**Section 5.06. No Arbitrage.** The City shall not take, nor permit nor suffer to be taken, any action with respect to the proceeds of any of the Bonds which would cause any of the Bonds to be "arbitrage bonds" within the meaning of the Tax Code.

**Section 5.07. Information Report.** The Treasurer is hereby directed to assure the filing of an information report for the Bonds in compliance with Section 149(e) of the Tax Code.

**Section 5.08. Private Business Use Limitation.** Not more than ten percent (10%) of the Net Proceeds of the Bonds shall be used in a manner which would cause the Bonds to become "private activity bonds" under and within the meaning of Section 141(a) of the Tax Code.

**Section 5.09. Private Loan Limitation.** Not more than five percent (5%) of the Net Proceeds of the Bonds shall be used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Obligations or assessments) to persons other than state or local government units.

**Section 5.10. Federal Guarantee Prohibition.** The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Tax Code.

**Section 5.11. Small Issuer Exemption From Rebate Requirements.** In accordance with section 148(f)(4)(C) of the Code, the City covenants that it is a governmental unit with general taxing powers; that the Bonds are not private activity bonds as defined in section 141 of the Code; that ninety-five percent (95%) or more of the Net Proceeds of the Bonds are to be used for local governmental activities of the City (or a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City), and that the aggregate face amount of the all tax-exempt obligations (other than private activity bonds as defined in section 141 of the code) issued by the City (including all subordinate entities of the City and all entities which may issue obligations on behalf of the City) during the calendar year 1989 will not exceed \$5,000,000, excluding, however, private activity bonds, as defined in section 141 of the Code and current refunding obligations having a principal amount not in excess of the refunded obligation.

**Section 5.12. Small Issuer Exemption From Bank Nondeductibility Restriction.** The City hereby designates the Bonds for purposes of paragraph (3) of section 265(b) of the Code and covenants that the Bonds do not constitute private activity bonds as defined in section 141 of the Code and that the aggregate face amount of all tax-exempt obligations issued by the City (including all subordinate entities of the City and all entities which may issue obligations on behalf of the City) during the calendar year 1989 will not exceed \$10,000,000, excluding, however, private activity bonds, as defined in section 141 of the Code (other than qualified 501(c)(3) bonds as defined in section 145 of the Code) and current refunding obligations having a principal amount not in excess of the refunded obligation.

**Section 5.13. Further Assurances.** The City will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Bonds the rights and benefits provided in this Resolution.

**Section 5.14. Amendment.** Without the consent of the Owners of the Bonds, the City hereafter may amend this Resolution to add, modify or delete provisions if the same is necessary or desirable to assure compliance with section 148(f) of the Code relating to rebate of Excess Investment Earnings or as otherwise required, to assure the exemption from federal income taxation of interest on the Bonds.

## ARTICLE VI

### MISCELLANEOUS

**Section 6.01. Funds and Accounts.** Any fund or account required by this Resolution to be established by the Treasurer and held and maintained by the Treasurer or the Agent may be established and maintained in the accounting records of the Treasurer or the Agent either as a fund or an account, and may, for the purposes of such records, any audits thereof and any reports or statements with respect thereto, be treated either as a fund or an account; but all such records with respect to all such funds and accounts shall at all times be maintained in accordance with sound accounting practices and with due regard for the protection of the security of the Bonds and the rights of every Owner thereof.

**Section 6.02. Partial Invalidity.** If any one or more of the covenants or agreements, or portions thereof, provided in this Resolution to be performed on the part of the City, the Council or the Agent should be contrary to law, then such covenant or covenants, such agreement or agreements, or such portions thereof, shall be null and void and shall be deemed separable from the remaining covenants and agreements or portions thereof and shall in no way affect the validity of this Resolution or of the Bonds; but the Owner shall retain all the rights and benefits accorded to them under applicable provisions of law. The Council hereby declares that it would have adopted this Resolution and each and every other section, paragraph, subdivision, sentence, clause and phrase hereof, and would have authorized the issuance of the Bonds pursuant hereto, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of this Resolution or the application thereof, to any person or circumstances may be held to be unconstitutional, unenforceable or invalid.

**Section 6.03. Defeasance.** The Bonds shall no longer be deemed to be outstanding and unpaid if the City shall have made adequate provision for the payment, in accordance with the Bonds and this Resolution, of the principal, interest and premiums, if any, to become due thereon at maturity or upon call and redemption prior to maturity. Such provision shall be deemed to be adequate if the Council shall, on behalf of the District, have irrevocably set aside, in a special trust fund or account, cash or Federal Securities which when added to the interest earned or to be earned thereon shall be sufficient to make said payments as they become due and to redeem any Bonds Outstanding on the earliest possible redemption date.

**Section 6.04. Repeal of Inconsistent Resolutions.** Any resolution of the Council, and any part of such resolution, inconsistent with this Resolution, is hereby repealed to the extent of such inconsistency.

**Section 6.05. Authority of Treasurer.** All actions mandated by this Resolution to be performed by the Treasurer may be performed by the designee of thereof or such other official of the City or independent contractor, consultant or trustee duly authorized by the City to perform such action or actions in furtherance of all or a specific portion of the requirements hereof.

**Section 6.06. Certified Copies.** The City Clerk shall furnish a certified copy of this resolution to the Treasurer, to the Agent and to the Auditor of the County of Stanislaus.

**Section 6.07. Effective Date of the Resolution.** This Resolution shall become effective upon the date of its adoption.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of December, 1989, 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSTAIN/ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE,  
City Clerk

( S E A L )

By: Norrine Coyle

APPROVED AS TO FORM:

By: Stan T. Yamamoto  
Stan T. Yamamoto,  
City Attorney

FORM OF BOND

United States of America  
State of California  
County of Stanislaus

Registered  
Number A- \_\_\_\_\_

Registered  
\$ \_\_\_\_\_

**Limited Obligation Improvement Bond  
CITY OF MODESTO  
Local Improvement District No. 28**

<b>Interest Rate</b>	<b>Maturity Date</b>	<b>Bond Date</b>	<b>CUSIP</b>
		_____, 1989	

**REGISTERED OWNER:**

**PRINCIPAL AMOUNT:** \_\_\_\_\_ **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 (the "City"), County of Stanislaus, State of California, 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 of Intention No. 89-869 adopted by the City Council of the City on August 22, 1989, pay to the registered owner named above or registered assigns, on the maturity date stated above, the principal amount 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, 1990, in which event it shall bear interest from its date until payment of the principal amount 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, 1990. Both the principal hereof and redemption premium hereon are payable at the Corporate Trust Department of Bankers Trust Company of California, National Association, as Authentication Agent, Transfer Agent, Registrar and Paying Agent (the "Agent"), in San Francisco, California, and the interest hereon is payable by check or draft mailed to the registered owner hereof at the owner's address as it appears on the records of the Agent, or at such address as may have been filed with the Agent, for that purpose, as of the 15th day immediately preceding each interest payment date.

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 Agent.

**IN WITNESS WHEREOF**, said City of Modesto has caused this bond to be signed in facsimile by the Director of Finance of the City and by its Clerk, and has caused its corporate seal to be reproduced in facsimile hereon all as of the 5 day of December, 1989.

CITY OF MODESTO

---

City Clerk

---

Director of Finance

[ S E A L ]

**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

Bankers Trust Company of California,  
National Association,  
*Agent*

By \_\_\_\_\_  
*Authorized Officer*

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 the 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 the office of the 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, and 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 Agent shall be required to make such exchange or registration of transfer of bonds during the 15 days immediately preceding any interest payment date.

The City and the Agent may treat the registered owner hereof as the absolute owner for all purposes, and the City and the Agent shall not be affected by any notice to the contrary.

This bond or any portion of it in the amount of five thousand dollars (\$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 the registered owner's address as it appears on the registration books of the Agent and by paying principal and accrued interest together with a premium equal to 3 percentum of the principal.

This bond is a limited obligation improvement bond because, under the Resolution of Issuance, the City is not obligated to advance funds from the City treasury to cover any deficiency which may occur in the Redemption Fund for the Bonds; however, the City is not prevented, in its sole discretion, from so advancing funds.

THE BONDS ARE QUALIFIED TAX-EXEMPT OBLIGATIONS DESIGNATED BY THE CITY FOR PURPOSES OF SECTION 265(b) OF THE INTERNAL REVENUE CODE OF 1986.

I hereby certify that the following is a correct copy of the signed legal opinion of Jones Hall Hill & White, A Professional Law Corporation, San Francisco, California.

City Clerk

OPINION: \$909,100.85 Limited Obligation Improvement Bonds, City of Modesto, Local Improvement District No. 28

We have acted as Bond Counsel in connection with the issuance by the City of Modesto (the "City") of \$909,100.85 Limited Obligation Improvement Bonds, Local Improvement District No. 28, dated \_\_\_\_\_, 1989 (the "Bonds"), pursuant to Division 10 of the California Streets and Highways Code (the "Act") and Resolution No. \_\_\_\_ (the "Resolution") of the City adopted \_\_\_\_\_, 1989. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

As to questions of fact material to our opinion, we have relied upon representations of the City contained in the Resolution and in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify such facts by independent investigation.

Based upon our examination, we are of the opinion, under existing law, that:

1. The City is a municipal corporation and chartered city of the State of California duly organized and validly existing under and by virtue its charter and of the Constitution and the laws of the State of California with power to adopt the Resolution, perform the agreements on its part contained therein, and issue the Bonds.
2. The Resolution has been duly adopted by the City and constitutes a valid and binding obligation of the City enforceable upon the City.
3. Pursuant to the Act, the Resolution creates a valid lien on the funds pledged by the Resolution for the security of the Bonds on a parity with other bonds (if any) issued or to be issued under the Resolution, subject to no prior lien granted under the Act.
4. The Bonds have been duly authorized, executed and delivered by the City and are valid and binding special obligations of the City, payable solely from the sources provided therefor in the Resolution.
5. The interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; it should be noted, however, that, for the purpose of computing the alternative minimum tax imposed on such corporations (as defined for federal income tax purposes), such interest is taken into account in determining certain income and earnings. The Bonds are "qualified tax-exempt

obligations" under the meaning of section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"), and in the case of certain financial instructions (within the meaning of section 265(b)(5) of the Code), a deduction is allowed for eighty percent (80%) of the portion of such financial instruction's interest expense allocable to interest payable on the Bonds. The opinions set forth in the preceding sentence are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986 that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

6. The interest on the Bonds is exempt from personal income taxation imposed by the State of California.

The rights of the owners of the Bonds and the enforceability of the Bonds and the Resolution may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of judicial discretion in appropriate cases.

Respectfully submitted,

A Professional Law Corporation

## Abbreviations

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common  
TEN ENT - as tenants by the entireties  
JT TEN - as joint tenants with right of  
survivorship and not as tenants in common

UNIF GIFT MIN ACT -  $\frac{\text{Custodian}}{(\text{Cust}) \quad (\text{Minor})}$

under Uniform Gifts to Minors Act

(State)

Additional abbreviations may also be used though not in the above list.



**RESOLUTION NO. 89-1189**

**A RESOLUTION APPROVING BOND PURCHASE CONTRACT AND FORM OF  
PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING EXECUTION  
THEREOF**

**CITY OF MODESTO  
Local Improvement District No. 28**

**RESOLVED** by the City Council (the "Council") of the City of Modesto (the "City"),  
County of Stanislaus, State of California, that

**WHEREAS**, on this date, Dean Witter Reynolds, Inc. (the "Underwriter") has  
presented to this Council, a form of contract for the purchase of not to exceed  
\$909,100.85 par value of improvement bonds (the "Purchase Contract") to be issued by  
the City in proceedings undertaken pursuant to Resolution of Preliminary Determination  
and of Intention No. 89-869 adopted by this Council on August 22, 1989, and a form of  
Preliminary Official Statement with respect to said bonds;

**WHEREAS**, a copy of the Purchase Contract and the Preliminary Official  
Statement are on file in the office of the City Clerk of this City and reference is hereby  
made to the Purchase Contract and Preliminary Official Statement for further particulars;

**WHEREAS**, this Council has considered the Purchase Contract and Preliminary  
Official Statement and finds them acceptable subject to the conditions set forth in this  
resolution; and

**WHEREAS**, the public interest and convenience will be served by entering into the  
Purchase Contract and approving the form of the Preliminary Official Statement.

**NOW THEREFORE, IT IS ORDERED** as follows:

1. The Purchase Contract is hereby approved and the Director of Finance of the  
City, or such other official of the City as may be designated by this Council, is hereby  
authorized and directed to execute and deliver the Purchase Contract, for and on behalf

of the City, substantially in the form of the Purchase Contract presented to this Council, with any changes, insertions and deletions as may be approved by such official in consultation with the Underwriter and Bond Counsel with respect to said assessment proceedings, such approval to be conclusively evidenced by the execution of the Purchase Contract by such official.

2. The foregoing approval is hereby expressly conditioned upon the satisfaction of the following: (i) the total principal amount of the bonds shall not exceed \$909,100.85; (ii) the interest cost of said bonds shall not exceed eight percent (8%) per annum; and (iii) the Underwriter's discount for said bonds shall not exceed two and one-half percent (2½%) of the principal amount of the bonds.

3. Upon execution of the Purchase Contract by the City and the Underwriter, the Director of Finance of the City is hereby authorized and directed to cause the bonds to be printed, authenticated and delivered, all in accordance with the applicable terms of the Purchase Contract and the Director of Finance and other responsible City officials are hereby authorized and directed to take such actions as are required under the Purchase Contract to complete all actions required to evidence the delivery of the bonds and the receipt of the purchase price thereof from the Underwriter.

4. The Council hereby approves the Preliminary Official Statement describing the bonds, in substantially the form submitted by the Underwriter and on file with the Clerk. Distribution of the Preliminary Official Statement by the Underwriter is hereby approved. The Council hereby authorizes the distribution of a final Official Statement by the Underwriter. The Director of Finance is hereby authorized and directed to approve any changes in or additions to a final form of said Official Statement approved by the Director of Finance, whose execution thereof shall be conclusive evidence of approval of any such changes and additions. The final Official Statement shall be executed in the

name and on behalf of the City by the Director of Finance, who is hereby authorized and directed to execute the final Official Statement on behalf of the City.

\*\*\*\*\*

**THE FOREGOING** resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of December 1989, 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, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

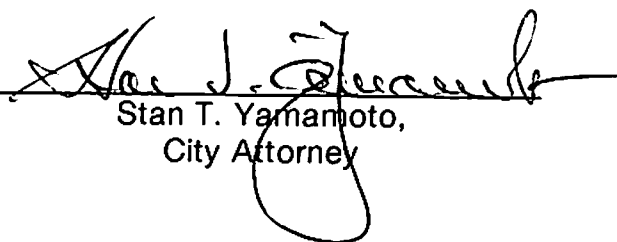
ABSTAIN/ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE,  
City Clerk

(SEAL)

By: 

APPROVED AS TO FORM:

By:   
Stan T. Yamamoto,  
City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1190

A RESOLUTION RELATING TO THE APPEAL OF DAMRELL, DAMRELL & NELSON ON BEHALF OF NATIONAL MEDICAL HOSPITAL OF MODESTO, INC. TO A PLANNING COMMISSION DECISION CONCERNING CONDITIONS OF APPROVAL FOR AN APPLICATION FOR A TENTATIVE PARCEL MAP FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WEST GRANGER AVENUE AND FLORIDA AVENUE, AND REQUIRING STREET IMPROVEMENTS TO WEST GRANGER AVENUE BETWEEN SHERWOOD AND FLORIDA AVENUES AND THE PORTION OF FLORIDA AVENUE ADJOINING PARCEL 1.

WHEREAS, the tentative parcel map of property located at the southwest corner of West Granger Avenue and Florida Avenue was filed in the office of the Secretary of the Planning Commission on September 12, 1989, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Engineering Services 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 October 16, 1989, 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 tentative parcel map of property located at the southwest corner of West Granger Avenue and Florida Avenue filed in the office of the Secretary of the Planning Commission on September 12, 1989, should be granted for the reasons set forth in Planning Commission Resolution 89-132, and

WHEREAS, thereafter, by Resolution No. 89-132 adopted on October 16, 1989, the Planning Commission granted the tentative parcel map of property located at the southwest corner of West Granger Avenue and Florida Avenue, subject to the conditions set forth in said Planning Commission Resolution No. 89-132, and

WHEREAS, by letters dated October 26, 1989, November 2, 1989, and December 8, 1989, an appeal to the decision of the Planning Commission granting the tentative parcel map of property located at the southwest corner of West Granger Avenue and Florida Avenue was filed by Damrell, Damrell & Nelson on behalf of National Medical Hospital of Modesto, Inc. relating to Finding No. 3 and Conditions No. 2 and 6 of Planning Commission Resolution No. 89-132, relating to the requirement that they should fund a trust to subsidize future street improvements on West Orangeburg Avenue, and

WHEREAS, the applicant proposed a compromise that only West Granger Avenue between Sherwood and Florida Avenues be improved and that portion of Florida Avenue adjoining Parcel 1 be likewise improved, and

WHEREAS, said appeal was set for public hearing before the City Council 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 November 21, 1989, and continued to December 12, 1989, at 7:30 p.m., 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 Finding No. 3 and Conditions No. 2 and 6 of Planning Commission Resolution No. 89-132, relating to the requirement that the applicant should fund a trust to subsidize future street

improvements on West Orangeburg Avenue, should be modified as follows for the following reasons:

1. That requiring street improvements only on West Granger Avenue between Sherwood Avenue and Florida Avenue and on Florida Avenue adjoining Parcel 1 is fair and reasonable in view of the scope of this project.
2. That the requirement of funding for the improvement of West Orangeburg Avenue is not necessary for the public health and safety nor as a prerequisite to the orderly development of the surrounding area.

and

WHEREAS, the Council agreed with Findings Nos. 1 and 2 of Planning Commission Resolution No. 89-132 as listed below, and further found and determined that Finding No. 3 of said Planning Commission Resolution No. 89-132 should be amended as follows:

1. That the proposed parcel 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 parcel map 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 the construction of improvements along the West Granger Avenue and Florida Avenue frontages of the property is necessary by not later than October 16, 1991, for the following reasons:
  - a. The public health and safety.
  - b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Damrell, Damrell & Nelson on behalf of National Medical Hospital of Modesto, Inc. relating to the tentative parcel map of property

located at the southwest corner of West Granger Avenue and Florida Avenue is hereby granted for the reasons set forth above, and that street improvements are required only on West Granger Avenue between Sherwood and Florida Avenues and the portion of Florida Avenue adjoining Parcel 1, subject to the following conditions:

1. That prior to recording the parcel map, an agreement providing for reciprocal parking and access, maintenance thereof, and for the continued service and maintenance of existing and future fire water mains between Parcel 1 and the remainder parcel, shall be recorded. Said agreement shall be in a form to be approved by the City Attorney.
3. That the West Granger Avenue frontage of Parcel 1 and remainder parcel shall be improved to collector street standards in accordance with City of Modesto Standard Specifications.
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 street improvements shall be completed as required by the Municipal Code in conjunction with property development or by not later than October 16, 1991, whichever occurs first.
6. That a certificate giving notice that street improvements are required along the West Granger Avenue and Florida Avenue frontages of the property shall be placed on the parcel map.  
  
That the Florida Avenue frontage of Parcel 1 shall be improved to collector street standards in accordance with City of Modesto Standard Specifications.
7. That a 3-foot wide planting easement shall be dedicated along the Florida Avenue frontage of the property.
8. That 10-foot wide public utility easements shall be dedicated along the West Orangeburg Avenue, West Granger Avenue, Florida Avenue, and Sherwood Avenue frontages of the property.
9. That all easements required by the Modesto Irrigation District shall be dedicated on the parcel map.

10. That on-site drainage shall be approved by the Public Works and Transportation Director.
11. That the property owner 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 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 proceedings and shall cooperate fully in the defense.
12. 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.
13. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1989, 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: 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. 89-1191

A RESOLUTION DENYING THE APPEAL FILED BY LORENZO C. AND GERTRUDE G. NAGAL TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A VARIANCE TO PERMIT A SIX-FOOT SIDE-STREET SIDE-YARD SETBACK FOR A SIX-FOOT-HIGH MASONRY WALL, A STORAGE BUILDING, AND A PATIO COVER AT 2200 CANADIAN CIRCLE, MODESTO.

WHEREAS, an application for a variance from the provision of Section 10-2.510 of the Modesto Municipal Code to permit a six-foot side-street side-yard setback for a six-foot-high masonry wall, a storage building, and a patio cover at 2200 Canadian Circle, Modesto was filed by Lorenzo C. and Gertrude G. Nagal on September 25, 1989, and

WHEREAS, Section 10-1.202(a) and 10-2.2501 of the Modesto Municipal Code authorizes 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 November 16, 1989, 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 adopted Resolution No. 1415 on November 16, 1989, which denied a variance to Lorenzo C. and Gertrude G. Nagal to permit a six-foot side-street side-yard setback for a six-foot-high masonry wall, a storage building, and a patio cover at 2200 Canadian Circle, Modesto, and

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment's denial of the request to permit a six-foot side-street side-yard setback for a six-foot-high masonry wall, a storage building, and a patio

cover at 2200 Canadian Circle, Modesto, was filed with the Office of the City Clerk by Lorenzo C. and Gertrude G. Nagal, by letter dated November 27, 1989, 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 December 12, 1989, at 7:30 p.m., at which time said hearing was held and evidence, both oral and documentary, was taken and introduced, 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 which denied the variance to Lorenzo C. and Gertrude G. Nagal to permit a six-foot side-street side-yard setback for a six-foot-high masonry wall, a storage building, and a patio cover at 2200 Canadian Circle, Modesto, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reasons set forth in Board of Zoning Adjustment Resolution No. 1415 and quoted below:

1. There are no special circumstances applicable to the property which do not exist for other properties in the same vicinity and zone. This property has very common dimensions.
2. Strict applications of the setback standards would not deprive the applicant of practical use of the property. There would be an estimated 1,400 square feet of rear yard area if the side-street side-yard setback requirement was satisfied.
3. The masonry wall is built above high voltage electrical cables and may restrict Modesto Irrigation District's access to the cables.
4. The applicants constructed a six-foot-high masonry wall, storage structure, and a patio cover although City staff informed them they were in violation of City requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Lorenzo C. and Gertrude G. Nagal for a variance to permit a six-foot side-street side-yard setback for a six-foot-high masonry wall, a storage building, and a patio cover at 2200 Canadian Circle, Modesto, is hereby denied for the reason set forth above, and the decision of the Board of Zoning Adjustment is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1989, 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: 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. 89-1193

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 CONSTRUCTION OF THE MODESTO 18-HOLE GOLF COURSE.

WHEREAS, on December 12, 1989 the City Council approved plans and specifications and authorized a call for bids relating to the construction of the Modesto 18-Hole Golf Course, and

WHEREAS, the City Council certifies that at its meeting of December 12, 1989, 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 the construction of the Modesto 18-Hole Golf Course.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of December, 1988, 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: 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. 89-1194

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING DRY CHEMICAL FERTILIZER

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing dry chemical  
fertilizer

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 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 12th day of December, 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: 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. 89-1195

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING A VACTOR TRUCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing a vactor  
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 January 22, 1990, at 11:10 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 December, 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: 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. 89-1196

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING TWO REBUILT DIESEL BUS ENGINES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two rebuilt diesel bus engines

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 8, 1990, at 11:10 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 December, 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: Bird, 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 CIMARRON CONSTRUCTION FOR THE MODESTO 18-HOLE GOLF COURSE DIVERSION STRUCTURE AT M.I.D. LATERAL NO. 2 AT McCLURE ROAD

WHEREAS, Resolution No.89-1061 , adopted by the Council of the City of Modesto on November 7, 1989 , approved the plans and specifications for the diversion structure at M.I.D. Lateral No. 2 at McClure Road

and authorized the calling for bids; and

WHEREAS, the bids received for the diversion structure at M.I.D. Lateral No. 2 at McClure Road were opened at 11:05 a.m. on November 30, 1989 , 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 \$87,990 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 \$87,990 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 12th day of December , 1989 , 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:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1198

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1989-90 TO PROVIDE FOR A TEMPORARY LOAN OF \$31,950 FROM THE GENERAL FUND (FUND NO. 010) TO THE GOLF COURSE FUND (FUND NO. 660) TO PROVIDE ADDITIONAL FINANCING FOR THE DIVERSION STRUCTURE - MID LATERAL NO. 2 AT MCCLURE ROAD.

WHEREAS, the City of Modesto Golf Course Fund (Fund No. 660) needs an additional advance from the General Fund (Fund No. 010) to finance the Diversion Structure - MID Lateral No. 2 at McClure Road, and

WHEREAS, it is necessary to amend the Annual Budget of the City of Modesto for Fiscal Year 1989-90 to provide an additional advance of \$31,950 from the General Fund (Fund No. 010) to the Golf Course Fund (Fund No. 660),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sum of \$31,950 is hereby temporarily loaned from the General Fund Reserve Account No. 010-800-8000-8003 to the Golf Course Fund (Fund No. 660), and appropriated in Account No. 660-330-P751-6000.

BE IT FURTHER RESOLVED that the loan is to be repaid from the proceeds of the bond issue to finance the Dry Creek Golf Course.

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 12 day of December, 1989, 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN PIPELINE, INC. FOR THE CULPEPPER WATERLINE

WHEREAS, Resolution No. 89-1059 , adopted by the Council of the City of Modesto on November 7, 1989 , approved the plans and specifications for the Culpepper waterline

and authorized the calling for bids; and

WHEREAS, the bids received for the Culpepper waterline were opened at 11:00 a.m. on November 30, 1989 , 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 Joe Martin Pipeline, Inc. in the amount of \$17,740 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin Pipeline, Inc. in the amount of \$17,740 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 12th day of December , 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:	Bird, 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 THOMASWALL, INC. FOR CONSTRUCTION OF THE  
MODESTO VERDE BLOCK WALL

WHEREAS, Resolution No. 89-918 , adopted by the Council of the City of  
Modesto on September 12, 1989, approved the plans and specifications for the  
construction of the Modesto Verde block wall

and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Modesto Verde  
block wall

were opened at 11:15 a.m. on September 28, 1989, 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  
Thomaswall, Inc. in the amount of \$80,071

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the bid of Thomaswall, Inc. in the amount of \$80,071  
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 12th day of December , 19 89, 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

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1201

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$14,500 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO CONSTRUCT THE MODESTO VERDE BLOCK WALL**

**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)	\$14,500
TO: Modesto Verde Block Wall (113 140 G704 6000)	\$14,500

This money is needed to fund the construction of the Modesto Verde block wall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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:

<b>AYES:</b>	<b>Councilmembers:</b>	Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
<b>NOES:</b>	<b>Councilmembers:</b>	None
<b>ABSENT:</b>	<b>Councilmembers:</b>	None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1202

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF  
TWELVE USED VEHICLES FROM GOLDEN GATE AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of twelve used vehicles 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.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twelve used vehicles is hereby waived.


BE IT FURTHER RESOLVED that purchase of twelve used vehicles from Golden Gate Auto Auction for a total cost not to exceed \$134,481, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1203

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF MOBILE RADIOS AND DATA TERMINALS FROM MOTOROLA, INC.

WHEREAS, the Police Department has requested the purchase of two mobile two-way radios and two mobile data terminals to be installed in two new Community Service Officer pickups; and

WHEREAS, any additional mobile two-way radios used by the Police Department must be purchased from Motorola, Inc. in order to be compatible with existing equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of mobile radios and data terminals is hereby waived.

BE IT FURTHER RESOLVED that purchase of mobile radios and data terminals from Motorola, Inc. for a total price of \$15,020, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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: Bird, Irizarry, Lang, Muratore, Patterson,  
Mayor Whiteside  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1204

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 ROADWAY CONSTRUCTION FOR THE ROSELLE AVENUE CANAL CROSSING AT M.I.D. LATERAL NO. 3.

WHEREAS, the City Council certifies that at its meeting of December 12, 1989, 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 roadway construction for the Roselle Avenue Canal Crossing at M.I.D. Lateral No. 3,

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 roadway construction relating to the roadway construction for the Roselle Avenue Canal Crossing at M.I.D. Lateral No. 3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of December, 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: 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. 89-1205

A RESOLUTION ACCEPTING A GRANT FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE PHASE I DEVELOPMENT OF AQUEDUCT NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN A PROJECT AGREEMENT FOR SAID GRANT.

WHEREAS, the California Parks and Recreation Department has awarded the City of Modesto a grant in the amount of \$292,545 for the Phase I Development of Aqueduct Neighborhood Park, and

WHEREAS, the State will advance to the City of Modesto five percent (5%) of the grant funding for preparation of a park Master Plan and working construction drawings in order for the City to prepare an Environmental Impact Report which will be necessary to receive the remainder of the funding, and

WHEREAS, this project is a high priority project for the City of Modesto, 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 California Parks and Recreation Department in the amount of \$292,545 for the Phase I Development of Aqueduct Neighborhood Park 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 12th day of December, 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: 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. 89-1206

A RESOLUTION AMENDING THE 1989-90 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTIMATE AND APPROPRIATE NEW GRANT REVENUE.

WHEREAS, it has been determined that the City has been awarded a grant in the amount of \$292,545, said funds are from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund, administered by the California Department of Parks and Recreation, and

WHEREAS, no City funding match is required, and

WHEREAS, a budget amendment increasing revenue and appropriating said revenue for a new project in Fund 150, Parks and Recreation Fund is necessary, and

WHEREAS, the grant revenue will be accounted for in Fund 150, in account number 150-510-9510-3134, State Grant - Parks and Recreation, and

WHEREAS, a new capital improvement project will be set up in Fund 150, account number 150-310-G902-6000, Aqueduct Neighborhood Park - Phase I development,

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>		
150/310/G902/6000	Aqueduct Ngbhd Park-Phase I	\$292,545
<u>Revenues</u>		
150/510/9510/3134	State Grant-Parks & Recreation	\$292,545

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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: 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

A RESOLUTION ACCEPTING IMPROVEMENTS IN DRY CREEK BLUFF SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Dontinental Paragon Corp./Lew Investments , subdividers of Dry Creek Bluff Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$ 609,300.00 and \$ 304,650.00 respectively to guarantee improvements in Dry Creek Bluff Subd. and;

WHEREAS, the Director of Engineering in a memorandum dated December 4, 1989, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

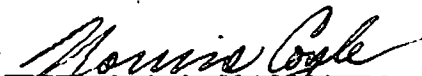
WHEREAS, the Director of Engineering has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Dry Creek Bluff Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$ 609,300.00 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 \$ 304,650.00 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 12th day of December , 19 89 , 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. 89-1208

A RESOLUTION ACCEPTING IMPROVEMENTS IN PINE TREE VILLAGE NO. 2 SUBDIVISION AND  
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, James Horn Construction, subdividers of Pine Tree Village No. 2 Subdivision have filed subdivision bonds for faithful performance and labor and materials in the amount of \$397,800.00 and \$198,900.00 respectively to guarantee improvements in Pine Tree Village No. 2 and;

WHEREAS, the Director of Engineering in a memorandum dated December 8, 1989, 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 Pine Tree Village No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$397,800.00 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 \$198,900.00 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 12th day of December, 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: 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. 89-1209

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:

Landscape Technician

The specifications 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 December 12, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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: 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

## LANDSCAPE TECHNICIAN

DEFINITION

Under general supervision, to review and check commercial landscape and irrigation plans and specifications for compliance with code and ordinances; to conduct site inspections of landscape installations for compliance; to design and lay out planting and irrigation plans for minor municipal projects; and to review and evaluate municipal landscape and irrigation projects prepared by outside consultants. Incumbents independently perform moderately complex technical and field work, while receiving closer direction on the most complex projects.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Landscape Designer or higher level administrator.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Examine planting and irrigation plans and specifications of commercial, industrial public or other major development to ensure compliance with codes and ordinance.

Prepare landscape and irrigation plans for minor renovation projects; inspects park landscaping projects.

Inspect commercial, industrial, public and other landscape and irrigation installations.

Assist in preparing cost estimates for budget recommendations and justifications for budget items.

Design and draft landscape and irrigation drawings for municipal projects; prepare sketches and perspectives.

Update park irrigation and planting plans as built.

Research planting easements and right of ways; research property description and ownership at assessor's office, clerk's office, County Records.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Modern landscape construction practices, methods and materials.

General field surveying.

General safety regulations and practices.

Basic principles of plumbing, hydraulics, and irrigation design.

General plant material identification and growth characteristics.

Horticulture principles and practices.

Principles of graphic design and drafting including computer aided drafting systems.

### Ability to:

Read and interpret landscape plans and specifications.

Prepare complete working drawings and specifications.

Design landscape and irrigation systems, park structures, flyers, logos and graphic displays.

Write technical specifications and reports.

Read and interpret codes and ordinances.

Communicate clearly and concisely, both orally and in writing.

Make oral presentations to various agencies.

Establish and maintain cooperative working relationships with those contacted in the course of work.

### Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Three years of responsible field, drafting and design experience in a licensed landscape architect or licensed landscape contractor's office.

Training:

Equivalent to an Associate degree from an accredited college or university with major course work in landscape architecture or a related field. A Bachelor degree in one of the above fields is highly desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

DEFINITION

Under general supervision, to review and check commercial landscape and irrigation plans and specifications for compliance with code and ordinances; to conduct site inspections of landscape installations for compliance; to design and lay out planting and irrigation plans for minor municipal projects; and to review and evaluate municipal landscape and irrigation projects prepared by outside consultants. Incumbents independently perform moderately complex technical and field work, while receiving closer direction on the most complex projects.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Landscape Designer or higher level administrator.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Examine planting and irrigation plans and specifications of commercial, industrial public or other major development to ensure compliance with codes and ordinance.

Prepare landscape and irrigation plans for minor renovation projects; inspects park landscaping projects.

Inspect commercial, industrial, public and other landscape and irrigation installations.

Assist in preparing cost estimates for budget recommendations and justifications for budget items.

Design and draft landscape and irrigation drawings for municipal projects; prepare sketches and perspectives.

Update park irrigation and planting plans as built.

Research planting easements and right of ways; research property description and ownership at assessor's office, clerk's office, County Records.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Perform related duties as assigned.

## QUALIFICATIONS

### Knowledge of:

Modern landscape construction practices, methods and materials.

General field surveying.

General safety regulations and practices.

Basic principles of plumbing, hydraulics, and irrigation design.

General plant material identification and growth characteristics.

Horticulture principles and practices.

Principles of graphic design and drafting including computer aided drafting systems.

### Ability to:

Read and interpret landscape plans and specifications.

Prepare complete working drawings and specifications.

Design landscape and irrigation systems, park structures, flyers, logos and graphic displays.

Write technical specifications and reports.

Read and interpret codes and ordinances.

Communicate clearly and concisely, both orally and in writing.

Make oral presentations to various agencies.

Establish and maintain cooperative working relationships with those contacted in the course of work.

### Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

#### Experience:

Three years of responsible field, drafting and design experience in a licensed landscape architect or licensed landscape contractor's office.

Training:

Equivalent to an Associate degree from an accredited college or university with major course work in landscape architecture or a related field. A Bachelor degree in one of the above fields is highly desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1210

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-490 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 88-494 ENTITLED "A RESOLUTION APPROVING SALARY RANGES, SALARY SCHEDULES, AND BENEFITS FOR MANAGEMENT AND CONFIDENTIAL AND EXECUTIVE MANAGEMENT EMPLOYEES FOR 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 December 12, 1989", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Landscape Technician, Range 127.

SECTION 2. AMENDMENT TO RESOLUTION NO. 88-494. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 5, 1988", attached to Resolution No. 88-494, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective December 12, 1989", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Landscape Technician, Range 127.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 12, 1989.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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: 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

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 12, 1989

---

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 December 12, 1989

---

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 December 12, 1989

---

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

EXHIBIT A  
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES

Effective December 12, 1989

---

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. 89-1211

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR SIGN CODE TEXT AMENDMENTS, ADDITIONS AND DELETIONS PERTAINING TO DECORATIVE BANNERS IN CERTAIN COMMERCIAL AREAS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 26, 1989, 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 Sign Code text amendments, additions and deletions pertaining to decorative banners in certain commercial areas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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:	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. 89-1212

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(468). (FLORSHEIM BROS. AND J. C. WILLIAMS CO.)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Florsheim Brothers and J. C. Williams Company on September 18, 1989, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow a zero lot line, single family, small lot development, property located on the southwest corner of Merle Avenue and Roselle Avenue extended, north of Briggsmore Avenue, described as follows:

R-3 to P-D

All that certain real property situate in a portion of the Southeast quarter of the southeast quarter of Section 14 and the Southwest quarter of the Southwest of Section 13, and the Northeast quarter of the Northeast quarter of Section 23, 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 Parcel "C" as shown on that certain parcel map filed on January 8, 1986, in Book 37 of Parcel Maps, at page 64, Stanislaus County Records. Including the South one half of Merle Avenue located between the north line of said Parcel "C" and the quarter, quarter Section line, and all of that City area located between the East line of said Parcel "C" and the existing city limits as established by the East line of the Orchard Neighborhood Addition effective March 23, 1979, and all of the 140.00 foot wide Modesto Irrigation Lateral Number 3 and Northern 60.00 feet of 120.00 foot West Briggsmore Avenue located between the South line of said Parcel "C" and centerline of Briggsmore Avenue and all immediately adjacent to said Parcel "C".

and

WHEREAS, after a public hearing held on November 6, 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. 89-138,

that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed development conforms to the General Plan in terms of adding to a variety of housing types in the Orchard Neighborhood.
2. The proposed development provides housing at a lower density than allowed under the current R-3 zoning.

and

WHEREAS, after a public hearing held on Dec. 26, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Florsheim Brothers and J. C. Williams Company 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. 89-138 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2697-C.S. on the 26 day of December, 1989, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(468).

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(468), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Oxford Place" as amended in red, stamped approved by the Planning Commission on November 6, 1989.

2. The applicant shall submit revised plot plans and floor plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on November 6, 1989.
3. 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.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Eight-foot (8'), solid double alternating board fence with decorative masonry pilasters along the entire west property line. Seven-foot (7') solid double alternating board fencing shall be constructed throughout the development except for a seven-foot (7') solid decorative masonry wall which shall be constructed along the entire south and east property lines. The wall shall have maximum two-foot (2') westerly indentations located opposite the cul-de-sacs.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. 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.
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. 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 Homeowners Association to guarantee common facility and private property maintenance in accordance with the approved plans. The Homeowners Association shall pay the costs of maintenance of landscaping provided on the east side of the wall along the Roselle Avenue frontage.

10. 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.
11. That there shall be no second-story windows which allow view into a neighbors private yard area as determined by the Director of Planning and Community Development.
12. The setbacks from right-of-way-line to garage door openings may be reduced to a minimum 17-1/2 foot only along Cashmere Drive. All dwellings which back up to Roselle Avenue extended shall be set back a minimum of 10 feet from the Roselle Avenue right-of-way-line. All garage door openings with 17-1/2 foot setbacks shall be fitted with roll-up doors.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(468):

The entire construction program be accomplished in one phase, construction to begin on or before November 6, 1991, and completion to be not later than November 6, 1992.

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(468), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Ince  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1213

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 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-D(468). (FLORSHEIM BROS. AND J. C. WILLIAMS CO.)

WHEREAS, on December 26,, 1989, the City Council introduced Ordinance No. 2697-C.S. giving approval to a project relating to an amendment to Section Map 14-3-9 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(468), property located on the southwest corner of Merle Avenue and Roselle Avenue extended, north of Briggsmore 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 14-3-9 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(468), property located on the southwest corner of Merle Avenue and Roselle Avenue extended, north of Briggsmore Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, 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

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1214

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(469). (SAID AKHZAR)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Said Akhzar on October 16, 1989, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a zero lot line single-family attached condominium development, property located on the north side of Coolidge Avenue west of Sunrise Avenue, described as follows:

R-1 to P-D

ALL that certain real property situate in a portion of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 21, Township 3, South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21; thence along the South line of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21 and also being the centerline of East Coolidge Avenue North 89°37'42" West, 154.99 feet to the Southern prolongation of the East line of Parcel "C" as shown on that map recorded in Volume 26 of Parcel Maps, at Page 89, Stanislaus County Records; thence along said prolongation and East line of said Parcel "C", North 0°40'23" West, 266.99 feet to the Southeast corner of Parcel "B", also shown on said parcel map; thence along the South line of said Parcel "B" North 89°37'42" West 176.38 feet; thence continuing along said South parcel line, North 0°43'49" West, 2.83 feet; thence North 89°35'59" West 104.00 feet to the Southwest corner of said Parcel "B", thence continuing on a course of North 89°35'59" West, 61.00 feet more or less; thence Southerly 140.00 feet more or less; thence Easterly 63.00 feet more or less; thence Southerly 130.00 feet more or less to aforementioned quarter, quarter Section line and centerline of East Coolidge Avenue; thence along said centerline South 89°37'42" East, 278.00 feet to the point of beginning.

and

WHEREAS, after a public hearing held on December 4, 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. 89-149, 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 Zone is in accordance with community objectives as set forth in the General Plan which among other things provides for a variety of housing types in all neighborhoods.
2. The proposed P-D Zone represents a desirable in-fill development.

and

WHEREAS, after a public hearing held on Dec. 26, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Said Akhzar 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. 89-149 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2698-C.S. on the 26 day of December, 1989, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(469).

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(469), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Application for Planned Development (P-D) Zone" as amended in red, stamped approved by the Planning Commission on December 4, 1989.
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:

Seven foot (7') double-sided, masonry pilaster and wood, stucco, or masonry wall or fence on the entire periphery and between private yards. Six (6) foot pilaster fencing shall be permitted between private yards and the common areas. No fencing over 42 inches in height shall be permitted closer than 15 feet to Coolidge Avenue right-of-way.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.
6. Both curbcuts serving the two-way loop driveway shall be widened as shown on the approved plans.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
9. Drainage shall be provided as required by the Public Works and Transportation Director.
10. Trash cans shall be screened from view from any public street.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures. The loop driveway shall be a

"Fire lane" and be maintained in accordance with the requirement of the Fire Chief.

12. All signs shall comply with the sign requirements of the R-1 Zone.
13. Prior to sale of a condominium unit, a subdivision map shall be recorded.
14. 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(469):

The entire construction program be accomplished in one phase, construction to begin on or before December 4, 1991, and completion to be not later than December 4, 1992.

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(469), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, 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: 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. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1215

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 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(469). (SAID AKHZAR)

WHEREAS, on December 26, 1989, the City Council introduced Ordinance No. 2698-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(469), property located on the north side of Coolidge Avenue 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 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(469), property located on the north side of Coolidge Avenue west of Sunrise Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, 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: 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. 89-1216

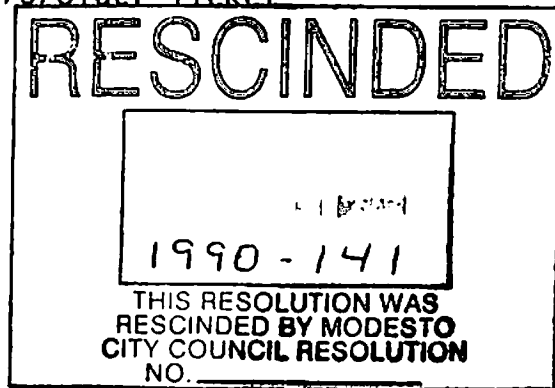
A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 88-792.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Municipal Golf Course and the 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 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	\$85.00
Monthly Unlimited Individual Ticket	\$55.00
Monthly Junior Ticket	\$35.00
Monthly Retired Disabled Ticket	\$35.00
Monthly Senior Citizen Ticket	\$35.00
Monthly Senior Citizen 70/Older Ticket	\$17.50
Monthly Student Ticket	\$35.00
Per Round Fee	\$ 1.00
<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/Dry Creek):</u>	
Weekdays - 18 Holes	\$12.00
Weekends and Holidays/18 Holes	\$16.00
Weekdays - Late Afternoon Play	\$10.00
Weekends - Late Afternoon Play	\$10.00
Non-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 Municipal and Dryden Courses shall be charged an additional fee of \$1.00 per round.

(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) Student 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 County of Stanislaus. 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. Student tickets will not be valid on Saturdays,

Sundays, or holidays. Students wishing to play during these periods shall be subject to the regular green fees. Students with student tickets shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season.

(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 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 Modesto 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 Municipal Golf Course with a special monthly ticket at a fee of Seventeen and 50/100ths (\$17.50) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Modesto 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 or holidays. 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 at 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 February 1, 1990.

SECTION 7. REPEALS. Resolution No. 88-792 adopted on October 31, 1988 is hereby rescinded as of January 31, 1990.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 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, 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. 89-1217

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ONE NEW TRUCK CAB AND CHASSIS

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 cab and chassis

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 22, 1990, at 11:15 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, 1989, by Councilmember Bird, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1218

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING ANNUAL TIRE RECAPPING REQUIREMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual tire  
recapping requirements

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 22, 1990, at 11:25 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, 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-121<sup>a</sup>

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
CALL FOR BIDS FOR FURNISHING GAS DETECTORS AND ACCESSORIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the purchase of gas detectors and accessories copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 22, 1990, at 11:40 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, 19 89, 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF SHAN-LYN CONSTRUCTION FOR THE MODESTO CITY-COUNTY AIRPORT TERMINAL BUILDING EXPANSION

WHEREAS, Resolution No.89-733 , adopted by the Council of the City of Modesto on July 5, 1989 , approved the plans and specifications for the Modesto City-County Airport terminal building expansion

and authorized the calling for bids; and

WHEREAS, the bids received for the Modesto City-County Airport terminal building expansion were opened at 3:00 p.m. on November 2, 1989 , 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 in the amount of \$1,359,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Shan-Lyn Construction in the amount of \$1,359,000 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 26th day of December , 19 89 , 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: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1221

A RESOLUTION ACCEPTING THE BID OF FRED S. JAMES & CO. FOR PROFESSIONAL REAL ESTATE APPRAISAL SERVICES TO APPRAISE CITY-OWNED PROPERTY

WHEREAS, Resolution No. 89-1151 , adopted by the Council of the City of Modesto on November 21, 1989 , approved the plans and specifications for the professional services for appraisal of City of Modesto real estate

and authorized the calling for bids; and

WHEREAS, the bids received for the professional services for appraisal of City of Modesto real estate were opened at 11:10 a.m. on 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 Fred S. James & Co. in the amount of \$9,655 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fred S. James & Co. in the amount of \$9,655 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 26th day of December , 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF CASE POWER AND EQUIPMENT FOR FURNISHING ONE NEW FOUR-WHEEL FRONT END LOADER

WHEREAS, Resolution No.89-1119 , adopted by the Council of the City of Modesto on November 14, 1989 , approved the plans and specifications for the purchase of one new four-wheel front end loader

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one new four-wheel front end loader were opened at 11:00 a.m. on 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 Case Power and Equipment in the amount of \$42,951.56 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 and Equipment in the amount of \$42,951.56 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 26th day of December , 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING THE BID OF SILVEIRA CUSTOM FARMING FOR FURNISHING DISCING SERVICES

WHEREAS, Resolution No. 89-1063 , adopted by the Council of the City of Modesto on November 7, 1989 , approved the plans and specifications for the purchase of discing services

and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of discing services were opened at 11:00 a.m. on December 4, 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 Silveira Custom Farming in the amount of \$15,406 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Silveira Custom Farming in the amount of \$15,406 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 26th day of December , 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-122A

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FURNITURE FOR THE AIRPORT EXPANSION PROJECT

WHEREAS, the furniture for the Airport terminal expansion project was previously bid as an option on the Airport Passenger Terminal Project, with the low bidder being identified as J.H.L. Interiors; and

WHEREAS, since the furniture was quoted as an option, the City may award the furniture as a separate item under a separate contract, to a different firm.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of furniture for the Airport expansion project is hereby waived.

BE IT FURTHER RESOLVED that purchase of furniture for the Airport expansion project from J.H.L. Interiors of Modesto, in the amount of \$67,513, 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 December, 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1225

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FROM APPLE COMPUTER, INC.

WHEREAS, the Planning and Community Development Department has requested the purchase of computer equipment to be used for applications such as desk-top publication, preparation of presentations, analysis, and other word, data, and graphics needs; and

WHEREAS, this purchase will provide for the second phase of a Management Information Network for the Planning and Community Development Department, and Apple Computers, Inc. is the sole source for the purchase of their products.

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 Apple Computer, Inc. in the amount of \$21,663, 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 December, 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1226

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRA SERVICES, INC.  
FOR ASSESSMENT DISTRICT ADMINISTRATION SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and FRA Services, Inc. for assessment  
cistrict administration 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 26th day of December , 19 89 , 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, Irizzary, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Marrine Coyle  
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1227

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$15,900 FROM CONTINGENCY RESERVE TO PAY FOR ASSESSMENT DISTRICT ADMINISTRATION SERVICES**

**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)	\$15,900
TO:	Professions & Services (010 120 1222 0235.45)	\$15,900

To fund hiring assessment district administration services. It will provide for payment of cost of consulting and software until assessment administration fees are billed and received.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 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, Irizarry, Lang, Muratore, Mayor Whiteside

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**ATTEST:**

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-122P

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,532 FROM CONTINGENCY RESERVE FOR PAYMENT OF INTEREST EARNINGS TO THE WILLIAM LYONS COMPANY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve	\$3,532
(130 800 8000 8003)	
TO: Interest	\$3,532
(130 510 9510 6101)	

To establish funds for payment of interest earnings to the William Lyons Company on the cost of installation of traffic signals at the intersection of Yosemite Blvd. & Creekwood Drive in conjunction with the Dry Creek Meadows Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 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, Irizarry, Lang, Muratore, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1229

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE  
AND RESCINDING RESOLUTION NO. 89-1134.

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

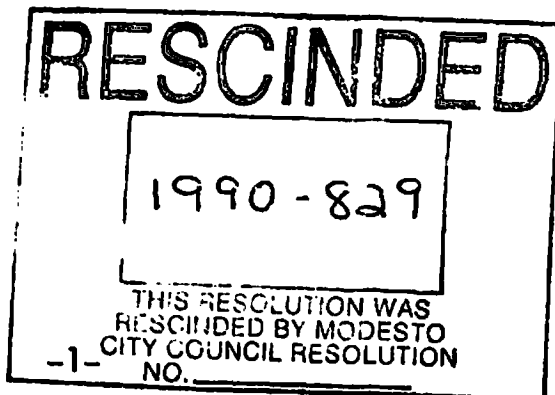
WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral and City staff has recommended that a more equitable basis for the calculation of the sewer lateral connection fee is \$10.80 per linear foot of property frontage, and

WHEREAS, the Council held a public hearing at its regular meeting on December 26, 1989, to consider the recommended sewer lateral connection fee,

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 \$10.80 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 89-1134 adopted by the Council on November 21, 1989, is hereby rescinded effective January 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after February 1, 1990.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 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, 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. 89-1230

A RESOLUTION APPROVING THE FINAL MAP OF THE MARINA  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, U..S. By-Products, Inc., a California corporation; and  
Hashem Naraghi, as his sole and separate property is possessed of a tract of  
land situate in the City of Modesto, County of Stanislaus, consisting of 5.566  
acres, known as The Marina Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto 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 The Marina 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 26 day of December, 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, 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. 89-1231

A RESOLUTION APPROVING THE FINAL MAP OF THE NUNES FARMES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Golden Valley Capital Group Limited Partnership, a  
California Limited Partnership is possessed of a tract of land situate in the  
City of Modesto, County of Stanislaus, consisting of 7.718 acres, known as the  
Nunes Farmes Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 28th day of September, 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 Nunes Farmes 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 26 day of December, 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, 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. 89-1232

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANN VARNI FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1604 KANSAS AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Ann Varni for water service to property outside the City limits at 1604 Kansas Avenue, located on the south side of Kansas Avenue between Carpenter and Rosemore

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 , 19 89 , 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Morrine Coyle*  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1233

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH R. AND LUCILLE F. ABSHER FOR SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 2512 TEMPERATE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Ralph R. and Lucille F. Absher for sewer service to property outside the City limits at 2512 Temperate Avenue, located on the south side of Temperate Avenue between Mercy and Yellowstone

be, and it is hereby approved.

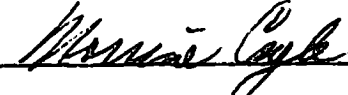
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December , 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, Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1234

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH R. AND LUCILLE F. ABSHER FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 2512 TEMPERATE AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Ralph R. and Lucille F. Absher for water service to property outside the City limits at 2512 Temperate Avenue, located on the south side of Temperate Avenue between Mercy Avenue and Yellowstone

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 , 19 89 , 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 89-1235

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY D. ELLIS FOR WATER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS AT 1236 WOODLAND AVENUE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Dorothy D. Ellis for water service to property outside the City limits at 1236 Woodland Avenue, located on the south side of Woodland Avenue between N. Emerald Avenue and Carpenter 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 December , 19 89 , 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, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk