

AN ORDINANCE AMENDING SECTION MAP 22-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(MARION L. RAMPLEY AND HELEN RAMPLEY)

WHEREAS, a verified application for an amendment to Section
22-3-9 of the Zoning Map was filed by Marion L. Rampley and
Helen Rampley
on September 28, 1977, to reclassify from Low Density Residential
Zone, R-1, to Professional Office
Zone, P-0, the hereinafter described
property, and

WHEREAS, after public hearing held on November 15, 1977,
it was found and determined by the Planning Commission that rezoning of the
property as requested is required by public necessity, convenience and general
welfare, and

WHEREAS, by Resolution No. 77-1255, adopted on November 28,
1977, the Planning Commission recommended to the Council that the applica-
tion of Marion L. Rampley and Helen Rampley
to amend Section 22-3-9 of the
Zoning Map to reclassify the hereinafter described property from Low Density Residential
Zone, R-1, to Professional Office
Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 27,
1977, which hearing was continued to January 9, 1978, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, California, this Council finds and determines that the

requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property fronts on a major street immediately across from neighborhood commercial zoning.
2. The subject property is located in an area of activity which nicely accommodates professional office development and thus fulfills the locational criteria for P-0 Zoning outlined in the General Plan and in the Municipal Code.
3. Development under the P-0 Zone with its requirement for plot plan review will insure compatibility with adjoining residential uses to the east and southeast.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

All that portion of the northwest quarter of Section 22, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

The South half of Lot 5, all of Lot 6, and the North 63.26 feet of Lot 7 in Block 1212 of Garden Acre Tract, as per map thereof filed November 18, 1940 in Volume 14 of Maps, page 9, Stanislaus County Records.

Containing 0.78 net acre

SECTION 3. ZONING MAP. Section 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyze
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Mills
Department of Planning and
Community Development

Ord. No. 1701-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

**Ordinance 1701 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1702 -C.S.

AN ORDINANCE AMENDING SECTION MAP 2-3-8
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (MILTON DAVID)

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

SECTION 1. ZONING CHANGE. Section 2-3-8 of the
Zoning Map is hereby amended to prezone the following-described
property to Planned-Development Zone, P-PD(177):

ALL that certain real property situate in a portion of the North half
of the Southeast quarter of the Southeast quarter of Section 2, Township 3
South, Range 8 East, Mount Diablo Base and Meridian, in the County of
Stanislaus, State of California, described as follows:

BEGINNING at the Northeast corner of said North half of the Southeast
quarter of the Southeast quarter of Section 2, said corner being at the
intersection of the center lines of Pelandale Avenue and Dale Road; thence
South 0°18'47" West along said center line of Dale Road, a distance of
662.24 feet; thence South 89°54'45" West 1020.59 feet; thence
North 0°18'23" East 662.91 feet to the aforementioned center line of
Pelandale Avenue; thence North 89°57' East along said center line of
Pelandale Avenue a distance of 1020.67 feet to the point of beginning.

Containing 15.52 Acres Gross

SECTION 2. USES. The following uses shall be permitted in said P-PD(177) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A 9.6 net acre neighborhood shopping center.
2. A 122-unit multiple family residential complex including recreational facilities.
3. An off-street parking area for both of the above.

SECTION 3. ZONING MAP. Section Map 2-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang

NOES: Councilmembers: Mensinger, Siefkin, Mayor Davies

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and
Community Development

Ord. No. 1702-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang

NOES: Councilmembers: Mensinger, Siefkin, Mayor Davies

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

Ordinance 1702 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1703-C.S.

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (178) :

Parcel A of Book 5 of Parcel Maps, Page 62, Stanislaus County
Records.

SECTION 2. USES. The following uses shall be permitted in said P-D (178) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 77-dwelling unit multiple family residential complex including a tennis court, swimming pool, recreation and storage facilities.
2. Off-street parking for the above uses.

SECTION 3. ZONING MAP. Section Map 8-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,
Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Nichols*
Department of Planning and
Community Development

Ord. No. 1703-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

**Ordinance 1703 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1704 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-5.03, 2-5.11 AND 2-5.12 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-5.03, 2-5.11 and 2-5.12 of Chapter 5 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-5.03. DUTIES OF THE PERSONNEL COMMISSION. The Personnel Commission shall have the power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration.

(b) Hear or cause to be heard appeals of any person in the Classified Service relative to any suspension, demotion, or dismissal and to certify its findings and recommendations as provided in this chapter. Hearing Officers may be used to hear appeals and prepare recommendations for the Commission or to conduct hearings before the Commission.

(c) Hold hearings and make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and the City Manager. In the course of such investigation or hearing it may examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the City and attested by the City Clerk. Refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the Council in response to a subpoena issued by the Council. Each member of the Personnel Commission shall have the power to administer oaths to witnesses.

(d) Perform such other duties with reference to personnel administration as the Council may require by ordinance or resolution.

SEC. 2-5.11. NOTICE OF SUSPENSION, DEMOTION OR DISMISSAL. Any employee who is suspended, demoted or dismissed shall be furnished with a written notice of such action, including a statement of the reasons for such action.

SEC. 2-5.12. RIGHT TO HEARING OR INVESTIGATION. Any regular employee in the Classified Service shall have the right to appeal to the Personnel Commission relative to any suspension, demotion, or dismissal except in instances where the right of appeal is denied by this chapter and to request an investigation of any alleged violation of this chapter or the personnel rules. Such an appeal or request for an investigation must be in writing and filed with the Director of Personnel within thirty (30) days following written notice to said employee of such suspension, demotion, or dismissal or the occurrence of said alleged violation.

Within thirty (30) days after receipt by the Director of Personnel of an appeal, the Personnel Commission shall either fix or cause to be fixed a time for holding a hearing. Hearing Officers may be used to hear appeals or make investigations and prepare recommendations for the Commission or to conduct hearings for the Commission. Hearings may be informally conducted and the rules of evidence need not apply.

Within ten (10) days after adoption of findings and recommendations, the Personnel Commission shall certify said findings and recommendations to the City Manager, or to any other official from whose action the appeal was taken, and to the employee affected. The City Manager, or other official from whose action the appeal was taken, shall review the findings and recommendations of the Personnel Commission and may then affirm, revoke, or modify the action taken, as in his judgment seems warranted in the public interest and the action taken shall be final.

Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure of the State of California. Such petition shall be filed within sixty (60) days from the date of the final action of the City Manager, or other official from whose action the appeal was originally taken.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1704-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

ORDINANCE NO. 1705 -C.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE SCENIC-OAKDALE ADDITION TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Blaque Haston, Gloria Haston, Rubin Friedman, Edward Wienke, Dorothy Wienke, David Thompson, and Mary Thompson on November 29, 1977, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Scenic-Oakdale Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 12th day of December, 1977, set said petition for hearing at the hour of 7:35 o'clock P.M. on the 23rd day of January, 1978, in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on December 22, 1977, and on December 29, 1977; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on December 28, 1977, and on January 4, 1978, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written

notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on November 30, 1977, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 23rd day of January, 1978, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed

to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Scenic-Oakdale Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of the boundary description of the annexation; 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 a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Rosal Campbell
Public Works Department

rk

SCENIC OAKDALE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of ANGELO ADDITION (180), as per description filed August 13, 1965, as instrument 31397, Stanislaus County Records, said point being the centerline of 50.00 foot Scenic Drive;

1. thence along an Eastern line of said Addition (180), North $0^{\circ} 38' 00''$ West, 682.12 feet;
2. thence along a Southern line of said Addition (180), North $89^{\circ} 17' 00''$ East, 145.21 feet;
3. thence continuing along a Southern line of said Addition (180), North $89^{\circ} 23' 45''$ East, 163.61 feet;
4. thence North $0^{\circ} 46' 30''$ West, 4.73 feet;
5. thence along a Southern line of said Addition (180) to a Southwest corner of SCENIC VILLAGE ADDITION (187), as per description filed March 24, 1966, as instrument 10379, Stanislaus County Records, South $74^{\circ} 50' 00''$ East, 103.93 feet;
6. thence continuing along a Southern line of said Addition (187), South $74^{\circ} 50' 00''$ East, 102.65 feet;
7. thence leaving the existing City Limits and said Addition (187), South $0^{\circ} 52' 30''$ East, 763.66 feet to the centerline of 50.00 foot Scenic Drive;
8. thence continuing along said centerline, North $66^{\circ} 58' 00''$ West, 131.14 feet;
9. thence along a tangent curve, having a Radius of 954.93, a Central Angle of $24^{\circ} 06' 32''$, and an Arc Length of 401.81 feet, to the point of beginning, containing 8.387 Acres, more or less.

ORDINANCE NO. 1706 -C.S.

AN ORDINANCE AMENDING SECTION 9-8.04 OF CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-8.04 of Chapter 8 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-8.04. DANGEROUS BUILDINGS. That Section 302 of said Dangerous Buildings Code be amended to read as follows:

Section 302(a). For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, unless the owner, or any other person entitled to service under Section 401(c), shall establish to the satisfaction of the Building Official or the Board of Building Appeals, as the case may be, that such conditions do not exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

(1) Whenever any door, aisle, passageway, stairway or other means of exit does not comply with the minimum requirements of the Building Code of the City of Modesto or is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the stress in any materials, members or portions thereof, due to all dead loads, live loads, and lateral loads, is more than one and one-half ($1\frac{1}{2}$) times the working stress of stresses allowed in the Building Code of the City of Modesto, for new buildings of similar structure, purpose or location.

(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is less than it was before such catastrophe and is less than the minimum requirements of the Building Code of the City of Modesto, for new buildings of similar structure, purpose or location.

(4) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(5) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half ($\frac{1}{2}$) of that specified in the Building Code of the City of Modesto for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code of the City of Modesto for such buildings.

(6) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have less resistance to winds or earthquakes than is required in the case of similar new construction.

(7) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(8) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.

(9) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third($1/3$) of the base.

(10) Whenever the building or structure, exclusive of the foundation, shows thirty-three per cent (33%) or more damage or deterioration of its supporting member or members, or fifty per cent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(11) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(12) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code of the City of Modesto, Housing Code of the City of Modesto, or any other law or ordinance of this State or city relating to the condition, location, or structure of buildings.

(13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty per cent (50%), or in any supporting part, member, or portion less than sixty-six per cent (66%) of the (i) strength, (ii) fire-resisting qualities or characteristics or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer, in the exercise of his discretion, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief, in the exercise of his discretion, to be a fire hazard.

(16) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(18) Whenever any other conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

(b) No building shall be determined to be a fire hazard pursuant to subsection (a)(15) hereof solely due to a lack of a Standard Automatic Fire Extinguishing System in the basement thereof, provided the entire basement is equipped with an Automatic Fire Detection and Alarm System which is installed and maintained in conformance with all applicable standards of the most current editions of the National Fire Protection Association Standards Nos. 71, 72A, 72B,

72C, and 72D, as adopted by reference by Section 1.216 of the Uniform Fire Code of the City of Modesto. Such Automatic Fire Detection and Alarm System installation and maintenance shall include all of the following:

(1) The System shall be directly connected to a central station or commercial alarm organization acceptable to the Fire Chief.

(2) All System components shall be UL listed.

(3) All System components; communications, maintenance, and testing contracts; and other related items shall be installed and maintained in conformance with all applicable standards of the most current editions of the National Fire Protection Association Standards Nos. 71, 72A, 72B, 72C, and 72D and Section 13.302 of the Uniform Fire Code of the City of Modesto.

(4) Maintenance and testing contracts shall include, at a minimum, such semi-annual inspection and testing as is required by the most current editions of the National Fire Protection Association Standards Nos. 72C, Chapter 2, and shall be performed by a commercial alarm organization acceptable to the Fire Chief.

(5) A current copy of the contract between the owner or lessee of the basement and the commercial alarm organization shall be kept on file with the Fire Chief at all times.

(c) Nothing in this section shall be construed as providing an alternate method of construction for those buildings required to install a Standard Automatic Fire Extinguishing Systems pursuant to Section 3802 of the Building Code of the City of Modesto, nor as permitting less frequent inspection or testing of systems required to be tested quarterly pursuant to Section 13.302(b) of the Uniform Fire Code of the City of Modesto.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **None**

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1706-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 8, 1978

ORDINANCE NO. 1707 -C.S.

AN ORDINANCE REPEALING SECTION 3-2.203 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OBEDIENCE TO POLICE OFFICERS.

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

SECTION 1. REPEALS. Section 3-2.203 of Article 2 of Chapter 2 of Title III of the Modesto Municipal Code is hereby repealed.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1707-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 15, 1978

ORDINANCE NO. 1708 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (WEST BEN, INC.)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property
from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (179) :

H-1 to P-D

All that certain real property situate in the Northwest Quarter
of Section 13, Township 3 South, Range 8 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

All of Parcel B as shown on Parcel Map, filed for record in
Book 26 of Parcel Maps at page 8, Stanislaus County Records.

Including also the Easterly 42 feet of Sisk Road immediately
adjacent to said Parcel "B".

R-1 to P-D

All that certain real property situate in 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:

BEGINNING at the Northeasterly corner of said Parcel B ;
thence North 89° 15' East 161.24 feet to the West line of that
property described in Deed recorded as Instrument No. 30963 - '67
in Stanislaus County Records; thence South 0° 45' East along
said West line 84.52 feet to the Southwest corner of said
property and a point on a non-tangent curve from which a radial
line bears North 62° 26' 25" East to the center; thence
Southeasterly 316.90 feet along said non-tangent curve concave
to the Northeast, having a radius of 1138.43 feet and a central
angle of 15° 56' 57"; thence South 43° 30' 32" East along a
tangent line 17.68 feet to the Southerly line of Parcel B as
shown on Parcel Map filed for record in Book 21 of Parcel Maps
at page 16, Stanislaus County Records; thence

South $46^{\circ} 28' 12''$ West 114.57 feet to the Southeast corner of Parcel B as shown on Parcel Map filed for record in Book 26 of Parcel Maps at page 8, Stanislaus County Records; thence North $43^{\circ} 30' 32''$ West along the Easterly line of the last mentioned Parcel B 17.72 feet; thence Northwesterly 497.29 feet along a tangent curve, concave to the Northeast, having a radius of 1253.00 feet and a central angle of $22^{\circ} 44' 23''$, to the point of beginning,

and

SECTION 2. USES. The following uses shall be permitted in said P-D(179) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A hardware, farm supply, and home improvement center.
2. An off-street parking area.

SECTION 3. ZONING MAP. Section Map 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyze*
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *John L. Gray*
Department of Planning and
Community Development

Ord. No. 1708-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1978

Ordinance 1708 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1709 -C.S.

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded

by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1709-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

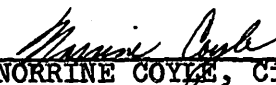
NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYNE, City Clerk

EFFECTIVE DATE: March 15, 1978

Ordinance 1709 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1710 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL M. ZAGARIS)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Paul M. Zagaris on November 15, 1977, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, certain property described as follows:

All that certain real property being a portion of Lots 1 and 8 of the Broughton Colony Tract, located in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as recorded in Book 1 of Maps, at page 78, Stanislaus County Records in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

R-1 to R-2

BEGINNING at the Southwest corner of said Lot 8; thence North 0° 41' 25" West, along the West line of said Lot 8, a distance of 138.59 feet; thence North 89° 52' 15" East, parallel with and 750.00 feet measured at right angles from the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 of Official Records, at Page 509, Stanislaus County Records, a distance of 735.05 feet; thence North 0° 07' 45" West, 125.00 feet; thence South 89° 52' 15" West, 22.71 feet; thence North 0° 07' 45" West, 125.00 feet; thence North 4° 21' 38" East, 92.40 feet; thence North 9° 40' 14" East, 90.22 feet; thence North 7° 24' 22" East, 80.72 feet; thence North 0° 07' 45" West, 113.96 feet; thence North 89° 52' 15" East 12.15 feet; thence North 0° 07' 45" West, 125.00 feet to said North line of the property conveyed to the Modesto City School District; thence North 89° 52' 15" East, along said line, a distance of 121.00 feet; thence South 0° 07' 45" East, 165.00 feet to a tangent curve concave to the West having a radius of 1000.00 feet; thence Southwesterly 202.29 feet along said curve, through an angle of 11° 35' 26" to a reverse curve concave to the East having a radius of 800.00 feet; thence Southeasterly 273.63 feet along said curve, through an angle of 19° 35' 50" to a reverse curve concave to the West having a radius of 800.00 feet; thence Southerly 112.30 feet along said curve through an angle of 8° 02' 34" to a tangent line; thence South 0° 05' 35" East, 139.11 feet to a point on the South line of said Lot 8; thence South 89° 54' 25" West, along said South line, a distance of 856.11 feet to the point of beginning.

Containing 4.929 acres

R-1 to R-3

BEGINNING at the Southeast corner of said Lot 8; thence South 89° 54' 25" West, along the South line of said Lot 8, a distance of 457.19 feet; thence North 0° 05' 35" West 139.11 feet to a tangent curve concave to the West having a radius of 800.00 feet; thence Northwesterly 112.30 feet along said curve, through an angle of 8° 02' 34" to a reverse curve concave to the East having a radius of 800.00 feet; thence Northerly 273.63 feet along said curve, through an angle of 19° 35' 50" to a reverse curve concave to the West having a radius of 1000.00 feet; thence Northerly 202.29 feet along said curve through an angle of 11° 35' 26"; thence North 0° 07' 45" West, 165.00 feet to the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 Official Records at Page 509, Stanislaus County Records; thence North 89° 52' 15" East, along said North line, a distance of 426.36 feet to a point on the East line of said Lot 1 and the center line of Oakdale Road; thence South 0° 45' 00" East, along said center line of Oakdale Road, a distance of 889.46 feet to the point of beginning.

Containing 8.669 acres.

and

WHEREAS, at the public hearing held by the Planning Commission on December 20, 1977, the applicant agreed with a Commission request to delete from the R-2 part of the application, that portion of the property which fronts upon East Orangeburg Avenue with said deleted area to be resubmitted as a Planned Development Zone with the prime purpose of the P-D Zone being the control of the number and location of curbcuts on East Orangeburg Avenue,

and

WHEREAS, at said public hearing it was found and determined by the Planning Commission that rezoning of the property, with the exception of the deleted area referred to above, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 77-223, and

WHEREAS, by said Resolution No. 77-223, adopted on December 20, 1977, the Planning Commission recommended to the Council that the application of Paul M. Zagaris to amend Section 22-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 13, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the recommended rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-3 area fronts upon Oakdale Road, a major street, and is opposite P-D(127), a planned 19 acre community shopping center.
2. The proposed R-2 area lies between the proposed R-3 area and a planned single-family residential subdivision to the west and will act as a good buffer between the two different land uses.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3:

All that certain real property being a portion of Lots 1 and 8 of the Broughton Colony Tract, located in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as recorded in Book 1 of Maps, at page 78, Stanislaus County Records in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

R-1 to R-2

BEGINNING at the Southwest corner of said Lot 8; thence North $0^{\circ} 41' 25''$ West, along the West line of said Lot 8, a distance of 138.59 feet; thence North $89^{\circ} 52' 15''$ East, parallel with and 750.00 feet measured at right angles from the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 of Official Records, at Page 509, Stanislaus County Records, a distance of 735.05 feet; thence North $0^{\circ} 07' 45''$ West, 125.00 feet; thence South $89^{\circ} 52' 15''$ West, 22.71 feet; thence North $0^{\circ} 07' 45''$ West, 125.00 feet; thence North $4^{\circ} 21' 38''$ East, 92.40 feet; thence North $9^{\circ} 40' 14''$ East, 90.22 feet; thence North $7^{\circ} 24' 22''$ East, 80.72 feet; thence North $0^{\circ} 07' 45''$ West, 125.00 feet to said North line of the property conveyed to the Modesto City School District; thence North $89^{\circ} 52' 15''$ East, along said line, a distance of 121.00 feet; thence South $0^{\circ} 07' 45''$ East, 165.00 feet to a tangent curve concave to the West having a radius of 1000.00 feet; thence Southwesterly 202.29 feet along said curve, through an angle of $11^{\circ} 35' 26''$ to a reverse curve concave to the East having a radius of 800.00 feet; thence Southeasterly 273.63 feet along said curve, through an angle of $19^{\circ} 35' 50''$ to a reverse curve concave to the West having a radius of 800.00 feet; thence Southerly 112.30 feet along said curve, through an angle of $8^{\circ} 02' 34''$ to a tangent line; thence South $0^{\circ} 05' 35''$ East, 139.11 feet to a point on the South line of said Lot 8; thence South $89^{\circ} 54' 25''$ West, along said South line, a distance of 856.11 feet to the point of beginning.

Containing 4.929 acres.

EXCEPTING THEREFROM that portion of the above described property lying south of the line running north $89^{\circ} 52' 15''$ east a distance of 735.05 feet and an easterly prolongation thereof.

R-1 to R-3

BEGINNING at the Southeast corner of said Lot 8; thence South $89^{\circ} 54' 25''$ West, along the South line of said Lot 8, a distance of 457.19 feet; thence North $0^{\circ} 05' 35''$ West 139.11 feet to a tangent curve concave to the West having a radius of 800.00 feet; thence Northwesterly 112.30 feet along said curve, through an angle of $8^{\circ} 02' 34''$ to a reverse curve concave to the East having a radius of 800.00 feet; thence Northerly 273.63 feet along said curve, through an angle of $19^{\circ} 35' 50''$ to a reverse curve concave to the West having a radius of 1000.00 feet; thence Northerly 202.29 feet along said curve through an angle of $11^{\circ} 35' 26''$; thence North $0^{\circ} 07' 45''$ West, 165.00 feet to the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 Official Records at Page 509, Stanislaus County Records; thence North $89^{\circ} 52' 15''$ East, along said North line, a distance of 426.36 feet to a point on the East line of said Lot 1 and the center line of Oakdale Road; thence South $0^{\circ} 45' 00''$ East, along said center line of Oakdale Road, a distance of 889.46 feet to the point of beginning.

Containing 8.669 acres.

SECTION 3. ZONING MAP. Section 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Shirley L. Coxey
Department of Planning and
Community Development

Ord. No. 1710-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1978

Ordinance 1710 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February, 1913, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property has frontage on Coffee Road, a four-lane major street.
2. The subject property is located adjacent to P-0 Zoning to the north and across the street from P-0 Zoning, and the proposed P-0 Zoning would allow development of the subject property compatible with said zoning.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Elliott

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Altbauer
Department of Planning and
Community Development

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Professional Office Zone, P-0 :

All that portion of Lot 21 of Coffee Colony in Section 16, Township 3 South Range 9 East of Mount Diablo Base and Meridian, according to the official map thereof filed in the office of the Recorder of Stanislaus County, California, on January 13, 1906 in Vol. 2 of Maps, at Page 22, described as follows: The East 160 feet of the following:

COMMENCING at the Northwest corner of said Lot 21, running thence South $89^{\circ} 27' 57''$ East, along the North line of said lot, a distance of 463.89 feet; thence South $0^{\circ} 53'$ East, a distance of 1069.51 feet to a point that bears North $0^{\circ} 53'$ West, 245.94 feet from the South line of said Lot 21 and the true point of beginning of this description; thence continue South $0^{\circ} 53'$ East a distance of 245.94 feet to a point on the South line of said Lot 21; thence South $89^{\circ} 30'$ East along the South line of said Lot, a distance of 920.34 feet to a point on the West line of 50-foot Coffee Road; thence North $0^{\circ} 53'$ West, on the West line of said Coffee Road, a distance of 245.94 feet; thence North $89^{\circ} 30'$ West, a distance of 920.34 feet to the true point of beginning.

INCLUDING also the Westerly 25.0 feet of Coffee Road, immediately adjacent to the above described property.

Contains: 45,498 sq. ft. or 1.044 acres gross
30,941 sq. ft. or 0.71 acres net

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

Ord. No. 1711-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1978

**Ordinance 1711 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1712 -C.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE YELLOWSTONE-TEMPERATE ADDITION TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Brett Speer, for Joaquin Construction Company on November 29, 1977, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Yellowstone-Temperate Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 12th day of December, 1977, set said petition for hearing at the hour of 7:40 o'clock P.M. on the 23rd day of January, 1978, in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on December 22, 1977, and on December 29, 1977; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on December 28, 1977, and on January 4, 1978, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was

assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, at the time and place set for said hearing the City Council continued said hearing to February 13, 1978, at 7:45 P.M., and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on November 30, 1977, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, at said hearing the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area of territory so annexed, designated as the Yellowstone-Temperate Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of the boundary description of the annexation; 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 a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its

adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Siefkin, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Bob Campbell*
Public Works Department
AK

YELLOWSTONE - TEMPERATE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of the ROSEMORE-WOODLAND ADDITION (347), as per description filed October 14, 1976, as Instrument 19721, Stanislaus County Records, said point being the intersection at the centerline of 40.00 foot Woodland Avenue, and the centerline of 50.00 foot Yellowstone Avenue:

1. thence along the Southern line of said Addition (347) and centerline of 40.00 foot Woodland Avenue, North $89^{\circ} 06' 00''$ East, 527.00 feet;
2. thence leaving the existing City Limits and continuing along Woodland Avenue, North $89^{\circ} 06' 00''$ East, 133.00 feet to the centerline of 50.00 foot Shasta Avenue;
3. thence along said centerline, South $1^{\circ} 01' 00''$ East, 660.00 feet, to the centerline of 50.00 foot Temperate Avenue;
4. thence along the centerline of Temperate Avenue, North $89^{\circ} 06' 00''$ East, 660.00 feet, to the centerline of 50.00 foot Diablo Avenue;
5. thence along the center of Diablo Avenue, South $1^{\circ} 01' 00''$ East, 660.00 feet, to the centerline of 50.00 foot Torrid Avenue;
6. thence along the center of Torrid Avenue, South $89^{\circ} 06' 00''$ West, 1320.00 feet, to the centerline of 50.00 foot Yellowstone Avenue;
7. thence along the centerline of Yellowstone Avenue, North $1^{\circ} 01' 00''$ West, 1320.00 feet, to the point of beginning, containing 29.999 acres, more or less.

ORDINANCE NO. 1713 -C. S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment to the contract being attached hereto, marked Exhibit "A", and by such reference made a part hereto as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The City Manager of the City of Modesto is hereby authorized, empowered and directed to execute said amendment to the contract for and on behalf of said Agency.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978,

by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

CERTIFICATION OF FINAL
ACTION OF GOVERNING BODY

DATE: February 13, 1978

Board of Administration
Public Employees' Retirement System
P.O. Box 1953
Sacramento, California 95809

I hereby certify:

That the City Council of the City of

Modesto introduced on February 13, 1978, by an affirmative
vote of a majority of the members of said governing body, _____

Ordinance No. 1713-C.S. approving the attached Amendment to Contract

between the governing body of said Agency and the Board of Administration of the

Public Employees' Retirement System, a certified copy of said ordinance

in the form furnished by said Board of Administration being attached hereto.



Clerk or Secretary NORRINE COYLE, City Clerk

City of Modesto, a Municipal Corporation

Name of Agency

EXHIBIT ONLY

AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE

CITY COUNCIL
OF THE
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as "Board", and the governing body of above public agency, hereinafter referred to as "Public Agency", having entered into a contract under date of July 27, 1946, effective May 1, 1946 and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, and June 24, 1975, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 9 are hereby stricken from said contract as executed effective May 1, 1973, and hereby replaced by the following paragraphs number 1 through 10 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for miscellaneous members and age 55 for local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after May 1, 1946, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Firemen (herein referred to as local safety members);
 - b. Local Policemen (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as miscellaneous members).

Exhibit "A"

In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES.
PERSONS COMPENSATED ON AN HOURLY
BASIS HIRED AFTER OCTOBER 1, 1962.

4. The fraction of final compensation to be provided for miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on and after January 1, 1956, of members whose service has been included in Federal Social Security.
5. The fraction of final compensation to be provided for each year of credited prior and current service as a safety member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55).
6. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:
 - a. Section 20952.5 (providing for age 50 as the minimum voluntary retirement age for local safety members, with benefit payments commencing prior to age 55 subject to actuarial discount).
 - b. Section 21222.1 (providing for a five-percent increase in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment, to or on account of persons retired or members deceased on or prior to December 31, 1970).
 - c. Section 21222.2 (providing for a five-percent increase in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment, to or on account of persons retired or members deceased on or after January 1, 1971 but before July 1, 1971).
 - d. Section 21222.6 (providing for a fifteen-percent increase in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment, to or on account of certain miscellaneous members retired or deceased prior to July 1, 1971).
 - e. Sections 21380-21388 (providing for allowances for survivors of members covered under the 1959 Survivor's Program upon the member's death before retirement).

7. Public Agency, in accordance with Section 20740, Government Code, shall cease to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective as of the effective date of this amendment to this contract. Accumulated contributions of Public Agency as of the date of such amendment shall be fixed and determined as provided in Section 20759, Government Code, and such accumulated contributions and contributions hereafter made shall be held by the Board as provided in Section 20759, Government Code.
8. Public Agency shall contribute to said Retirement System as follows:
 - a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:
 - (1) 0.516 percent until June 30, 2000, on account of the liability for prior service benefits.
 - (2) 9.718 percent on account of the liability for current service benefits.
 - (3) 0.017 percent on account of the liability for the 1959 Survivor Program.
 - (4) 0.119 percent until June 30, 2000, on account of the liability for the benefits provided under Section 21222.6 of said Retirement Law.
 - b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
 - (1) 0.129 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 13.851 percent on account of the liability for current service benefits.
 - (3) 0.057 percent on account of the liability for the 1959 Survivor Program.
 - c. A reasonable amount per annum, as fixed by the Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodical investigation and valuations required by law.
 - d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodical investigation and valuations required by law.

9. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodical investigation and valuation required by said Retirement Law.

10. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer or as may be prescribed by Board negotiation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

B. This amendment shall be attached to said contract and shall be effective on the _____ day of _____, 19_____.

Witness our hands this _____ day of _____, 19_____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
Carl J. Blechinger, Executive Officer

EXHIBIT ONLY

President/Officer

Approved as to form:

Attest:

Legal Office, PERS

Clerk

Ord. No. 1713-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of February, 19 78, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None


ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1978

ORDINANCE NO. 1714 -C.S.

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

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Horn Construction Company on October 24, 1977, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, and to Medium Density Residential Zone, R-2, the following described property:

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

R-2

Lot 1 Block 2818; Lots 21, 22, 23, 24, 25, 26, and 27 Block 2817; Lot 1 Block 2820; the North 100 feet of Lot 1 Block 2815; and the North 100 feet of Lot 1 Block 2816 in Scott Estates, recorded in Book 26 of Maps, at Page 41 in the Stanislaus County records:

INCLUDING also all of Clogston Way, Eula Drive, Hubert Drive, and Mariposa Road immediately adjacent to the above described property.

= 4.64 gross acres

R-3

Parcel B and Parcel C as shown in Book 22 of Parcel Maps at Page 79; Lot 1 Block 2815, Lot 1 Block 2816 in Scott Estates, recorded in Book 26 of Maps, at Page 41 in the Stanislaus County Records, excepting therefrom the North 100 feet of Lot 1 Block 2815 and the North 100 feet of Lot 1 Block 2816.

INCLUDING also all of Mariposa Road and the Northerly 67 feet of Yosemite Boulevard immediately adjacent to the above described property.

= 9.28 gross acres

and

WHEREAS, after a public hearing held on December 20, 1977, it was found and determined by the Planning Commission that the proposed rezoning from R-1 to R-3 of property located on the north side of Yosemite Boulevard, on both

sides of Mariposa Road extended, is required by public necessity, convenience, and general welfare, and that the portion of the proposed rezoning from R-1 to R-2 comprised of two tiers of lots with frontage on Clogston Way is not required by public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 77-227, and

WHEREAS, by said Resolution No. 77-227, adopted on December 20, 1977, the Planning Commission recommended to the Council an amendment to Section 25-3-9 of the Zoning Map to rezone the above described property located on the north side of Yosemite Boulevard on both sides of Mariposa Road extended from R-1 to R-3 as requested,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 27, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the proposed rezoning from R-1 to R-3 of property located on the north side of Yosemite Boulevard, on both sides of Mariposa Road extended, is required by public necessity, convenience, and general welfare, and provides the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- a. The property is on a major street and adjacent to an approved shopping center site and P-O zoned area, thus serving as a buffer or transition between this commercial and office area and the lower density residential areas to the east and north-east.
- b. R-3 zoning as requested will allow substantial multiple family residential development in the area which is unique by nature of the Beard Industrial Tract, the Modesto and Empire Traction Railroad, and the substantial employment generated there.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3:

R-3

Parcel B and Parcel C as shown in Book 22 of Parcel Maps at Page 79; Lot 1 Block 2815, Lot 1 Block 2816 in Scott Estates, recorded in Book 26 of Maps, at Page 41 in the Stanislaus County Records, excepting therefrom the North 100 feet of Lot 1 Block 2815 and the North 100 feet of Lot 1 Block 2816.

INCLUDING also all of Mariposa Road and the Northerly 67 feet of Yosemite Boulevard immediately adjacent to the above described property.

= 9.28 gross acres.

SECTION 3. ZONING MAP. Section 25-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Kulljian, Mensinger

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Ornelas
Department of Planning and
Community Development

Ord. No. 1714-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Siefkin,
Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Mensinger

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 19, 1978

Ordinance 1714 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1715 -C.S.

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES A. DAVIDSON)

WHEREAS, a verified application for an amendment to Section 18-3-9 of the Zoning Map was filed by James A. Davidson

on December 7, 1977, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 17, 1978, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 78-17, adopted on January 17, 1978, the Planning Commission recommended to the Council that the application of James A. Davidson

to amend Section 18-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 6, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. All of the tentative lots proposed for R-2 rezoning have frontage on a major street, thus the property conforms to the R-2 locational criteria of the General Plan.
2. Vehicular ingress and egress on Prescott Road is prohibited by the subdivision map conditions, thus reducing traffic congestion near the Prescott/Rumble Road intersection.

SECTION 2. ZONING CHANGE. Section 18-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Medium Density Residential Zone, R-2 :

All that certain real property situate in Lots 5 and 6 of the Knapp Tract as shown in Volume 2 of Maps, at Page 2, Stanislaus County Records, in Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the Northwest corner of said Section 18; thence South 0°38'25" East along the West line of said Section 18 also being the centerline of Prescott Road a distance of 165.60 feet to the intersection of the centerline of Rumble Road and the true point of beginning of this description; thence continuing South 0°38'25" East along said centerline of Prescott Road a distance of 496.51 feet; thence South 89°05'28" East a distance of 160.06 feet; thence North 0°38'25" West a distance of 496.41 feet to a point on the centerline of Rumble Road; thence North 89°03'36" West along said centerline a distance of 160.06 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 18-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March 6, 1978, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: *Peggy Mensinger*
~~MAYOR DAVIES~~
PEGGY MENSINGER, Acting Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Michael C. Havers*
Department of Planning and
Community Development

Ord. No. 1715

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



NORRINE COYNE, City Clerk

EFFECTIVE DATE: April 12, 1978

**Ordinance 1715 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1716 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1431-C.S. ENTITLED, "AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SANTA ANITA DEVELOPMENT CORPORATION)". (JOHN T. BLAIR FOR JAMES C. SORENSON, INC.).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1431-C.S. Section 2 of

Ordinance No. 1431-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(125) Zone, subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code; said uses are as shown on the development plan, subject to compliance with Section 10-2.2704 of the Modesto Municipal Code prior to the issuance of a building permit:

1. A community shopping center containing a maximum of 140,000 square feet of retail space including a racquetball court facility. Uses within the shopping center shall be limited to those uses permitted in the H-1 Zone.
2. 72 two-story apartment dwelling units with accessory recreation areas and structures and parking.
3. 33 one-story townhouse residential dwelling units with accessory parking."

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Dunlap, Kullijian, Lang, Siefkin, Mayor Pro Tempore Elliott**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Mayor Davies, Mensinger**

APPROVED: Robert T. Elliott
~~MAYOR DAVIES~~
ROBERT T. ELLIOTT, Mayor
Pro Tempore

ATTEST:

By Morrine Coyle
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1716

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 12, 1978

ORDINANCE NO. 1717 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT L. BRECKENRIDGE)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Robert L. Breckenridge

on December 15, 1977, to reclassify from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on January 17, 1978, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 78-16, adopted on January 17, 1978, the Planning Commission recommended to the Council that the application of Robert L. Breckenridge

to amend Section 27-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 13, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed rezoning from C-1 to R-3 constitutes a downzoning with the resultant zone being more compatible with the surrounding residential land to the north, northeast, and west.
2. The proposed rezoning from C-1 to R-3 will maintain the residential intensity transition between the LaLoma Avenue area and the commercial development which orients toward Yosemite Boulevard.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Neighborhood Commerical Zone, C-1,
to Medium High Density Residential Zone, R-3 :

Lots 22 and 23 in Block 2088 of Coey Tract, as per map filed April 8, 1946, in Volume 14 of Maps, Page 48, Stanislaus County Records and that 25 foot portion of Miller Avenue ✓ lying adjacent to the north property line as vacated by the City of Modesto by Resolution No. 1153-S.P. and recorded July 30, 1970, Document 24214 in Volume 2340, Page 203.

Including also the easterly 30.0 feet of Santa Barbara Avenue immediately adjacent to the above described property. .

SECTION 3. ZONING MAP. Section 27-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyze
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael C. Hennessy
Department of Planning and
Community Development

Ord. No. 1717-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 19, 1978

**Ordinance 1717 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELDON R. HARRISON)

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by Eldon R. Harrison on December 15, 1977, to rezone from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located on the east side of Coffee Road, north of Sylvan Meadows Drive, described as follows:

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Northwest corner of Lot 1 in Block 12575 in Sylvan Meadows East No. 1 as shown on the subdivision map filed July 9, 1974, in Volume 25 of maps at Page 8 in the Stanislaus County records, also being the point of beginning; thence North 89° 23' 27" East 376 feet along the North line of Lots 1, 2, 3, and 4 in Block 12575 in said subdivision; thence North 0° 48' West 259.00 feet along the West line of Lots 5 and 8 in said Block 12575; thence South 89° 23' 27" West 426.00 feet to the West line of Section 10; thence South 0° 48' East 259.00 feet along the said section line to the point of intersection with Westerly extension of the North line of Lot 1 in said Block 12575; thence North 89° 23' 27" East 50.00 feet along said extension to the point of beginning,

and

WHEREAS, a public hearing was held on said application before the Planning Commission at its meeting of January 17, 1978, 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. 78-14 determining that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in said Planning Commission Resolution No. 78-14, and denied the application of Eldon R. Harrison for an amendment to Section 10-3-9 of the Zoning Map to rezone the property described above from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the City Council of the City of Modesto by Eldon R. Harrison, by a letter dated January 25, 1978, and

WHEREAS, On February 6, 1978, the City Council, by Resolution No. 78-149, set said appeal for a public hearing on February 27, 1978, at 7:35 o'clock p.m., and thereafter, at the request of Max Hanney, the Council continued said public hearing to March 13, 1978, and

WHEREAS, at said continued public hearing on March 13, 1978, the Council, after hearing and considering evidence both oral and documentary, finds and determines that the appeal of Eldon R. Harrison to the decision of the Planning Commission for an amendment to Section 10-3-9 of the Zoning Map to rezone the property described above from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, should be granted for the following reasons:

1. The subject property is located on a major street across from undeveloped professional office zoning and reasonably near to commercial development and other land with equally high land use intensity potential.
2. The proposed Medium High Density Residential Zoning, R-3, will allow the developer to construct a 50-unit one story apartment development.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 27, 1978, and continued to March 13, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the appeal of Eldon R. Harrison to the decision of the Planning Commission for an amendment to Section 10-3-9 of the Zoning Map, to rezone the above described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, should be granted for the reasons set forth above, and the decision of the Planning Commission is hereby overruled.

SECTION 2. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the above described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember

Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kulljian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Elliott

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *John L. Carey*
Department of Planning and Community
Development

Ordinance 1718 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1718-CS

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of March, 19 78, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

April 26, 1978

ORDINANCE NO. 1719 -C.S.

AN ORDINANCE AMENDING ORDINANCE NO. 1657-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN PAOLUCCIO)" TO AMEND SECTION 3 THEREOF.

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

SECTION 1. Section 3 of Ordinance No. 1657-C.S., adopted on the 24th day of October, 1977, is hereby amended to read as follows:

"SECTION 3. ZONING MAP. Section 7-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference."

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978,

by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John LaCombe
Department of Planning and
Community Development

Ord. No. 1719-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

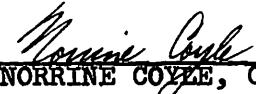
ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 26, 1978

Ordinance 1719 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (PAUL M. ZAGARIS)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1 to
Planned-Development Zone, P-D (180):

All that certain real property being a portion of Lots 1 and 8, of the Broughton Colony Tract, located in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as recorded in Book 1 of Maps, at page 78, Stanislaus County Records in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 8; thence North 0°41'25" West, along the West line of said Lot 8, a distance of 138.59 feet; thence North 89°52'15" East, parallel with and 750.00 feet measured at right angles from the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 of Official Records, at Page 509, Stanislaus County Records, a distance of 735.05 feet; thence North 0°07'45" West, 125.00 feet; thence South 89°52'15" West, 22.71 feet; thence North 0°07'45" West, 125.00 feet; thence North 4°21'38" East, 92.40 feet; thence North 9°40'14" East, 90.22 feet; thence North 7°24'22" East, 80.72 feet; thence North 0°07'45" West, 113.96 feet; thence North 89°52'15" East 12.15 feet; thence North 0°07'45" West, 125.00 feet to said North line of the property conveyed to the Modesto City School District; thence North 89°52'15" East, along said line, a distance of 121.00 feet; thence South 0°07'45" East, 165.00 feet to a tangent curve concave to the West having a radius of 1000.00 feet; thence Southwesterly 202.29 feet along said curve, through an angle of 11°35'26" to a reverse curve concave to the East having a radius of 800.00 feet; thence Southeasterly 273.63 feet along said curve, through an angle of 19°35'50" to a reverse curve concave to the West having a radius of 800.00 feet; thence Southerly 112.30 feet along said curve, through an angle of 8°02'34" to a tangent line; thence South 0°05'35" East, 139.11 feet to a point on the South line of said Lot 8; thence South 89°54'25" West, along said South line, a distance of 856.11 feet to the point of beginning.

Containing 4.929 acres

EXCEPTING THEREFROM that portion of the above described property lying north of the line running North 89° 52' 15" East a distance of 735.05 feet and an easterly prolongation thereof.

SECTION 2. USES. The following uses shall be permitted in said P-D (180) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 10 triplexes
2. Off street parking areas in accordance with Article 18 of the Municipal Code and so designed for all cars to enter East Orangeburg Avenue in a forward manner.

SECTION 3. ZONING MAP. Section Map 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED.



LEE H. DAVIES, Mayor

ATTEST:

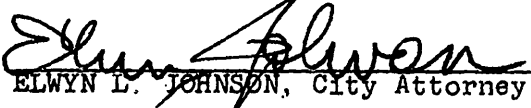


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

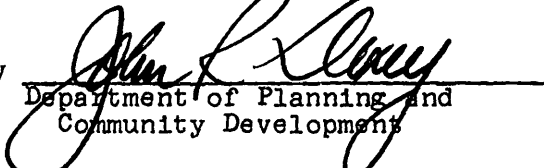
By



ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By



Department of Planning and
Community Development

Ord. No. 1720-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 3, 1978

Ordinance 1720 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1721-C.S.

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

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

SECTION 1. ZONING CHANGE, Section 12-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property

from Low Density Residential Zone, R-1, to

Medium Density Residential Zone, R-2:

All of Parcel A and a portion of Parcel B as shown on that certain Parcel Map filed in Book 25 of Parcels Maps at Page 83, Stanislaus County Records, being a portion of Section 12, Township 3 South, Range 8 East, M. D. B. & M. more particularly described as follows:

All of said Parcel A and the easterly 420.81 feet of said Parcel B including the easterly 30 feet of Hahn Drive and the northerly 55 feet of the Hetch Hetchy right-of-way, the westerly 20 feet of Conant Avenue, all of Standiford Avenue, and the southerly 50 feet of the Modesto Irrigation Lateral No. 7, all being immediately adjacent to said Parcel A and the above described portion of Parcel B.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D (181):

That portion of Parcel B as shown on that certain Marcel Map filed in Book 25 of Parcel Maps at Page 83, Stanislaus County Records, being a portion of Section 12, Township 3 South, Range 8 East, M. D. B. & M. more particularly described as follows:

Beginning at the most northwesterly corner of said Parcel B and running thence along the northerly line of said parcel North $85^{\circ} 54' 16''$ east, 710.00 feet; thence South $0^{\circ} 15' 05''$ east 194.59 feet to a point on the southerly line of said parcel; thence along the southerly line of said parcel South $70^{\circ} 17' 37''$ west 751.40 feet to the southwest corner of said Parcel B; thence along the westerly line of said parcel North $0^{\circ} 14' 17''$ west 397.25 feet to the point of beginning.

Including also all of Standiford Avenue, the southerly 50 feet of the Modesto Irrigation Lateral No. 7 right-of-way, and the northerly 55 feet of the Hetch Hetchy right-of-way immediately adjacent to the above described property.

SECTION 3. USES. The following uses shall be permitted in said P-D (181) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

A one-story 75-dwelling unit elderly housing project.

50 space off-street parking area as shown on the approved plot plan.

SECTION 4. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Urban Nichols*
Department of Planning and
Community Development

Ord. No. 1721-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

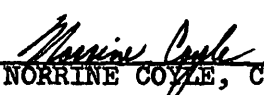
ABSENT: Councilmembers: Elliott

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 10, 1978

Ordinance 1721 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

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

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

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

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
B OWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	February 10, 1978
BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue	45 miles per hour	February 2, 1978

BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	March 21, 1978
W. BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	40 miles per hour	August 16, 1975
W. BRIGGSMORE AVENUE, (east and westbound) between Tully Road and Prescott Road	45 miles per hour	August 16, 1975
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	February 3, 1978
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	February 10, 1978
CARVER ROAD, between Brixton Lane and M. I. D. Lateral #6 within the City limits	40 miles per hour	August 17, 1977
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Floyd Avenue and Rumble Road	35 miles per hour	October 19, 1974
COFFEE ROAD, between Rumble Road and Sylvan Avenue	45 miles per hour	November 8, 1974

COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	March 16, 1978
COLLEGE AVENUE, between W. Rumble Road and Bowen Avenue	35 miles per hour	May 27, 1976
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	June 4, 1976
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	March 23, 1978
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	30 miles per hour	May 1, 1974
EVERGREEN AVENUE, between W. Orangeburg Avenue and Carver Road	35 miles per hour	May 6, 1976
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	February 5, 1974
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	February 2, 1978
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	February 2, 1978
GRANGER AVENUE, between Tully Road and Sunrise Avenue	30 miles per hour	April 30, 1974
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	May 28, 1976
KELLER STREET, between Sylvan Avenue and Rumble Road (excluding County portion)	30 miles per hour	September 26, 1974

LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	March 23, 1978
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of MID Lateral #2	35 miles per hour	August 7, 1975
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	February 21, 1978
MITCHELL ROAD, between Finch Road and 1, 326' south of Finch Road	50 miles per hour	February 21, 1978
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	February 21, 1978
MT. VERNON AVENUE, between Prescott Road and College Avenue	30 miles per hour	May 1, 1974
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 1, 1974
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	May 27, 1976
W. ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	March 16, 1978
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	April 30, 1974
E. ORANGEBURG AVENUE, between Oakdale Road and Peppertree Lane	35 miles per hour	July 24, 1975
E. ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	July 1, 1977
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	35 miles per hour	October 9, 1974

RIVERSIDE DRIVE, between Edgebrook Drive and Yose- mite Boulevard	35 miles per hour	May 28, 1976
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	February 17, 1978
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	March 23, 1978
ROSEBURG AVENUE, between Carver Road and McHenry Avenue	30 miles per hour	April 30, 1974
E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	March 13, 1974
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	April 8, 1974
W. RUMBLE ROAD, between Sisk Road and Conant Avenue	35 miles per hour	March 31, 1977
W. RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 27, 1976
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 31, 1977
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	May 27, 1977
SISK ROAD, between Briggsmore Avenue and 600' north of Brenner Way	50 miles per hour	July 1, 1977
SISK ROAD, between 600' north of Brenner Way and Standiford Avenue	40 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Dale Road and Veneman Avenue	50 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Veneman Avenue and Carver Road	40 miles per hour	June 30, 1977

STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	September 26, 1974
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	June 3, 1976
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	30 miles per hour	March 19, 1974
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	July 9, 1975
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	February 17, 1978
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	March 8, 1974
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	March 31, 1977
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	March 22, 1978
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	February 17, 1978
VENEMAN AVENUE, between Dale Road and Standiford Avenue	40 miles per hour	January 11, 1978
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	April 12, 1974
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	November 9, 1977

WOODLAND AVENUE, between
9th Street and Carpenter Road
within the City limits

35 miles per hour

December 6, 1977

WOODROW AVENUE, between
McHenry Avenue and Tully
Road within the City limits

30 miles per hour

February 4, 1974

9TH STREET, between L
Street and P Street

35 miles per hour

June 23, 1977

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 10, 1978

ORDINANCE NO. 1723 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (Carpenter-Reno Group)

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

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Light Industrial Zone, M-1. to
Planned-Development Zone, P-D (182) :

All that portion of Section 30, Township 3 South, Range 9
East M.D.B. & M., described as follows:

Parcels 3 and 4 as shown upon that certain parcel map filed
June 8, 1976, in Volume 23 of Maps, page 18, Stanislaus
County Records; being a portion of Lot 27 of Maze Colony.

Including also the easterly 50 feet of Carpenter Road
immediately adjacent to said Parcel 4 and the westerly
30 feet of Reno Avenue immediately adjacent to said
Parcel 3.

SECTION 2. USES. The following uses shall be permitted in said P-D (182) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. All uses allowed in the M-1, Light Industrial Zone.
2. A combination retail gas station and petroleum products wholesale and storage facility with underground bulk storage tanks limited to Parcel 4 as shown on the Parcel Map recorded in Book 23 on page 18 of Stanislaus County Records.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED:


LEE H. DAVIES, Mayor


ATTEST:


NORRINE COYLE, City Clerk

(SEAL)


APPROVED AS TO FORM:

By


EWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By


Department of Planning and
Community Development

Ord. No. 1723 - C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 31, 1978

Ordinance 1723 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE ADDING ARTICLE 10 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO BINGO GAMES.

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

SECTION 1. AMENDMENT OF CODE. Article 10 is hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 10. BINGO GAMES

SEC. 4-1.1001. BINGO GAMES PERMITTED FOR CHARITABLE PURPOSES. Notwithstanding the provisions of Article 7 of this chapter, the City of Modesto, pursuant to Section 19, Article IV of the California Constitution and Section 326.5 of the California Penal Code, does hereby authorize and provide for the conduct of bingo games by non-profit organizations for charitable purposes in accordance with the provisions of this article. As used in this article, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

SEC. 4-1.1002. BINGO GAME PERMIT REQUIRED. No person, firm, corporation, organization or association shall engage in, carry on, maintain, conduct, or cause to be engaged in, carried on, maintained or conducted a bingo game in the City of Modesto without first having secured a permit from the Chief of Police of the City of Modesto in accordance with the requirements of this article, and without complying with the rules and regulations contained or authorized herein pertaining to the operation of bingo games.

SEC. 4-1.1003. ORGANIZATIONS ELIGIBLE FOR PERMIT. Such permits may be issued only to non-profit organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701h of the Revenue and Taxation Code and by mobilehome park associations and senior citizens organizations.

SEC. 4-1.1004. APPLICATION FOR PERMIT. Applications for a permit to conduct bingo games pursuant to this article shall be submitted to the Chief of Police on forms to be provided. The City Council may by resolutions adopted from time to time fix an annual permit fee which shall accompany the application. The permit issued shall be for a term of one year from the date of issuance, subject to renewal and annual fee. Said permit fee shall be subject to the limitations set forth in Section 326.5(k) of the Penal Code of the State of California.

SEC. 4-1.1005. CONTENTS OF APPLICATION. Said application for a permit shall contain the following:

(a) The name and mailing address of the applicant organization.

(b) Proof that the applicant is an eligible organization under Section 4-1.1003, including a letter or other evidence from the State Franchise Tax Board showing that the applicant is exempted from the payment of the bank and corporation tax by a pertinent section of the Revenue and Taxation Code. If the applicant is a mobilehome park association or senior citizen's organization, other proof shall be provided as required by the Chief of Police.

(c) A list of the duly elected officers of the organization certified by the secretary thereof.

(d) The signatures of at least two (2) officers, including the presiding officer of the organization.

(e) The location, including the street number, of the specific property within the City of Modesto owned or leased by the applicant on which property bingo games will be conducted, together with the occupancy capacity of the room in which bingo will be played and the number of off-street parking places.

(f) A statement certified by the secretary of the organization that the applicant has received and has reviewed copies of this article, the authorized rules of play for bingo games, and Section 326.5 of the Penal Code, and has been advised that the license to conduct bingo games may be revoked by the Chief of Police upon violation of any of such provisions.

(g) The location where all records, account books and ledgers pertaining to the operation of bingo games by said organization will be kept, the location of the bank account in which the bingo receipts will be placed, and an authorization for the City to inspect and audit said records, books, and accounts.

(h) Such other information as the Chief of Police may require.

SEC. 4-1.1006. INVESTIGATION OF APPLICANT. Upon receipt of the completed application, the Chief of Police shall make an investigation to determine if all of the statements in the application are true and shall refer the application to the director of Planning and Community Development, the Chief Building Official, the Health Officer and the Fire Marshal to determine if the appropriate zoning regulations, building codes, health regulations, and the provisions of the Uniform Fire Code have been or will be complied with. The Chief of Police may refuse to issue a permit if any officer of the organization or any operator mentioned in Section 4-1.1013:

(a) Has a felony conviction.

(b) Has a conviction for theft, fraud, gambling, crimes involving moral turpitude, or bingo ordinance violations in this or any other city or county.

(c) Is under current investigation for a criminal offense set forth in subparagraphs (a) and (b) above by any law enforcement agency.

SEC. 4-1.1007. CONTENTS OF PERMIT. Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games, the Chief of Police shall issue a permit for one year to said applicant, which shall contain the following information:

(a) The name of the organization to which the license is issued.

(b) The address and/or description of the location where bingo games are authorized to be conducted.

(c) The date of the expiration of such license.

(d) The number of players permitted.

(e) Such other information as may be required by the Chief of Police for the enforcement of the provisions of this article.

SEC. 4-1.1008 BINGO GAMES CONDUCTED ONLY ON PERMITTEE'S PROPERTY. A permit to conduct bingo games shall be issued only for use on property owned or leased by the permittee, and only if such property is used continuously by such permittee for an office or for performance of the purposes for which it is organized. In the event the described property ceases to be so used for any period of time, the permit shall have no further force or effect. No permit shall be issued unless there is at least one off-street parking space for each four (4) persons set forth in the occupancy capacity of the premises pursuant to Section 4-1.1015 hereof. A new permit must be obtained for a change of address by an eligible organization, upon application under this article.

SEC. 4-1.1009. POSTING OF PERMIT. An organization granted a permit pursuant to this article shall not conduct or permit to be conducted a bingo game unless said permit is posted in a conspicuous place during the conduct of such game. The permittee shall produce and exhibit the same, when applying for renewal hereof, and whenever requested to do so by any peace officer or officer authorized by Section 10-1.1014 to issue or inspect the premises.

Every person engaged in the conduct or operation of a bingo game shall wear an identification tag of a type and form required by the Chief of Police.

SEC. 4-1.1010. SUMMARY SUSPENSION AND/OR REVOCATION OF PERMIT. (a) Whenever it appears to the Chief of Police or his authorized representative that a permittee is conducting a bingo game in violation of any of the provisions of this article, he shall have the authority to summarily suspend the permit and any further operation of any bingo game.

(b) The suspension order issued under subsection (a) shall also constitute notice of proposed revocation. The permittee shall be notified that it shall have ten (10) days from the date of such order to request in writing a hearing before the Chief of Police to determine whether the permit should be revoked. If the permittee fails to request in writing such hearing before the Chief of Police within said period, the Chief of Police may revoke the permit.

(c) In situations other than a summary suspension, if it appears to the Chief of Police that any permittee is conducting bingo games in violation of any of the provisions of this article, or that a permit was obtained by misrepresentation, the permit may be revoked. Written notice of such proposed revocation shall be given by depositing in the United States mail a notice directed to said permittee at the address given in the application. The notice shall set forth the reasons for the proposed revocation, and shall notify the permittee that it has ten (10) days in which to file a written request for a hearing before the Chief of Police.

(d) In case of a summary suspension or notice of revocation, the Chief of Police shall provide a hearing within fifteen (15) days after receipt of a written request from the permittee at which hearing the permittee may present oral or written evidence why the permit should not be revoked. Notice of the time and place of such hearing shall be given to the permittee by depositing it in the United States mail at least ten (10) days before the hearing to the address given in the application.

(e) If the permit is revoked, written notice shall be given the permittee within twenty-five (25) days of the close of the hearing. Notice of revocation shall be given by United States mail. The permittee will be presumed to have received said notice within five (5) days after mailing. It shall be unlawful for any organization whose permit is revoked under this section to conduct any bingo game in the City of Modesto unless the City Council on appeal reinstates the permit.

(f) Any person who conducts a bingo game after summary suspension of a permit or after revocation of a permit is guilty of a misdemeanor.

(g) Any organization whose permit is revoked may not apply for a permit to conduct bingo games in the City of Modesto for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.

SEC. 4-1.1011. APPEAL OF REVOCATION TO CITY COUNCIL. (a) Any holder of a permit whose license is revoked under this article shall have the right, after receiving notice in writing of the revocation, to file a written appeal to the City Council pursuant to the provisions of Chapter 4 of Title I, of this Code.

SEC. 4-1.1012. HOURS OF OPERATION. No permittee shall conduct any bingo game more than six (6) hours out of any day. No bingo game shall be conducted before 9:00 a. m. or after 12:00 o'clock midnight.

SEC. 4-1.1013. MEMBERS OPERATING AND STAFFING GAMES. A bingo game shall be operated and staffed only by members of the permittee. Such members shall not receive a profit, wage, or salary from any bingo game. Only the permittee shall operate a bingo game, or participate in the promotion, supervision, or any other phase of a bingo game.

SEC. 4-1.1014. OPEN TO PUBLIC. All bingo games shall be open to the public. All bingo games, equipment, facilities, and property shall be open to inspection by members of the Police Department, Fire Department, Health Department, and/or Building Inspection Division.

SEC. 4-1.1015. ATTENDANCE LIMITED TO OCCUPANCY CAPACITY. Notwithstanding that bingo games shall be open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the Fire Department and Building Inspection Division of the City in accordance with applicable codes, laws, and regulations.

SEC. 4-1.1016. PARTICIPANTS. No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted. No permittee shall issue chips or money to a patron on credit or loan (including but not limited to IOU's and checks to be held) or allow any patron to otherwise play on credit. No person shall be allowed to play more than six (6) bingo cards in one game. No person who is in a state of intoxication shall be allowed to participate in a bingo game. No person under the age of eighteen (18) years shall be allowed to participate in any bingo game.

SEC. 4-1.1017. METHOD OF OPERATION. No bingo game shall be operated in violation of any law or in a manner which shall constitute a public nuisance.

SEC. 4-1.1018. MAXIMUM AMOUNT OF PRIZE. The total value of a prize or prizes awarded during the conduct of any bingo game shall not exceed Two Hundred Fifty and no/100ths (\$250.00) Dollars in cash or kind, or both, for each separate game which is held.

SEC. 4-1.1019. PROFITS TO BE KEPT IN SPECIAL FUND OR ACCOUNT. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this article, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed ten (10%) percent of the proceeds after the deduction for prizes, or Five Hundred and no/100ths (\$500.00) Dollars per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

SEC. 4-1.1020. INSPECTION OF BOOKS, RECORDS, OR ACCOUNTS. The permittee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision or any other phase of bingo games which are authorized by this article. The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time, and the permittee shall fully cooperate with the City by making such records available. Failure to so cooperate shall be a violation of this article and grounds for revocation of the permit.

SEC. 4-1.1021. RESTRICTED FINANCIAL INTERESTS. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

SEC. 4-1.1022. BINGO GAME RULES AND REGULATIONS. The Chief of Police shall adopt and print rules of play for the conduct and operation of bingo games and for the equipment which shall be used, and shall deliver a copy to each applicant. Copies shall be made available by the Police Department to any person who so requests. The permittee shall post in a conspicuous place during the conduct of any bingo game the authorized rules of play for said game.

SEC. 4-1.1023. PENAL CODE SECTION 326.5. All of the provisions of California Penal Code Section 326.5 as it now exists and as amended hereafter are incorporated herein by reference as if set forth in full and shall apply to every bingo game except as to more restrictive provisions which are set forth herein.

SEC. 4-1.1024. VIOLATION. Except as otherwise provided herein or by California Penal Code Section 326.5, every violation of this article shall be an infraction.

SECTION 2. SEVERABILITY. If any section, subsection or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection or portion thereof, irrespective of the fact that any one or more sections, subsections or portion be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1724-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: Dunlap

ABSENT: Councilmembers: Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1978

AN ORDINANCE AMENDING SECTION 1-3.13 OF CHAPTER 3 OF TITLE I OF THE MODESTO MUNICIPAL CODE RELATING TO THE SIGNIFICANCE OF CERTAIN WORDS.

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

SECTION 1. AMENDMENT OF CODE. Section 1-3.13 of Chapter 3 of Title I of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 1-3.13. SIGNIFICANCE OF CERTAIN WORDS. The following words shall be interpreted as follows unless otherwise apparent from the context:

- (a) "Property" includes both real and personal property.
- (b) "Real property" includes lands, tenements and hereditaments.
- (c) "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- (d) "Month" means a calendar month, unless otherwise expressed.
- (e) "Quarterly", when used to designate a period of time, means the first three calendar months of any given year or any succeeding period of three calendar months.
- (f) "Calendar year" means from January 1 of any given year through December 31 of that same year.
- (g) "Fiscal year" means from July 1 of any given year through June 30 of the following year.
- (h) (Not used.)
- (i) "Tenses". The present tense includes the past and future tenses, and the future, the present.
- (j) "Gender". The masculine gender includes the feminine and neuter.
- (k) "Number". The singular number includes the plural, and the plural, the singular.
- (l) "Shall" is mandatory.
- (m) "May" is permissive.
- (n) "Oath" includes affirmation.

(o) "Person" includes any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city (excepting, however, the City of Modesto), county, district, the State of California, or the United States of America, or any department or agency of any thereof, unless this Code expressly provides otherwise.

(p) "State" is the State of California.

(q) "County" is the County of Stanislaus.

(r) "City" is the City of Modesto.

(s) "Office". The use of the title of any officer, employee, office or ordinance shall mean such officer, employee, office or ordinance of this City, unless otherwise specified.

(t) "Council" is the City Council of this City.

(u) "Street" includes all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(v) "Owner" applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, joint tenant, of the whole or part of such building or land.

(w) "Tenant or occupant" applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by

Councilmember Lang, who moved its introduction and passage to print,
which motion being duly seconded by Councilmember Kullijian, was upon
roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1725-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1978

ORDINANCE NO. 1726 -C. S.

AN ORDINANCE AMENDING SECTIONS 11-1. 04 AND 11-1. 05 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1. 04 and 11-1. 05 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1. 04. WATER SERVICE INSTALLATION CHARGES.
The following charges will be paid by consumers for water service installations:

1" service	\$ 140.00
1 1/2" service	\$ 200.00
2" service	\$ 220.00

For installations involving pavement removal and/or replacement, an additional charge of Two Hundred Seventy and no/100ths (\$270) Dollars per service shall be paid. For installations by the City for services larger than two (2") inches, the City shall charge costs plus ten (10%) percent. Such services shall be restricted to two (2") inch increments.

Notwithstanding the charges set forth above, the Director of Public Works is hereby authorized to waive the water service installation charges and require water services to be installed in conjunction with the subdivision of land by developers of subdivisions.

SEC. 11-1. 05. WATER MAIN CONNECTION CHARGES. In addition to the water service installation charges imposed by Section 11-1. 04 of this chapter, and in case of metered services, the meter costs imposed by Section 11-1. 06 of this chapter, the following water main connection charges shall apply:

(a) Territory Within the City. For all water services in all areas within the City, the main connection charge to existing mains shall be Thirty and no/100ths (\$30.00) Dollars plus five and one-half (5-1/2) cents for each square foot served.

(b) Territory Outside the City. In territory outside the City limits the main connection charge to existing mains shall be Eighty and no/100ths (\$80.00) Dollars plus five and one-half (5 1/2) cents for each square foot served.

(c) Main Extensions. Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

(d) Allocation of Costs. Notwithstanding the provisions of subsections (a) and (b) above, the Director of Public Works is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by the municipal water system.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand square feet (20,000) and the portion of the parcel to be served shall not be less than six thousand square feet (6,000) in area.

(3) A fee of Ten and no/100ths (\$10.00) Dollars shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above.

(4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Department of Public Works.

(7) In addition to the remedies for violations of the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue water service without requirement of notification in the event that he shall determine that water supplied to serve the area under the permit is used on other premises.

(e) Water Mains Installed by Developers. Notwithstanding the charges set forth in subsections (a) and (b) above, the Director of Public Works is hereby authorized to waive the square footage portion of the water main connection charge (five and one-half (5 1/2) cents per square foot) and require water mains to be installed in conjunction with the subdivision of land by the developers of subdivisions as follows:

(1) All water mains shall be sized in accordance with current City of Modesto Standard Specifications.

(2) All six (6") inch and eight (8") inch diameter mains and appurtenances thereto, such as, but not necessarily limited to, fire hydrants, blow-offs, valves, and valve boxes to be furnished and installed by the developer.

(3) All ten (10") inch and larger water mains and all water pumping stations to be furnished and installed by the City.

(4) The cost of all fire hydrants, whether connected to water mains installed by the developer or by the City, shall be paid by the developer.

(f) Water Connection Charges to Subdivisions. Normally, all water mains smaller than ten (10") inches in inside diameter, and appurtenances thereto, will be installed by the developers of subdivisions as set forth in subsection (e) above. From time to time, however, in its best interest, the City may elect to install all water mains, and appurtenances thereto, in a particular subdivision.

In the event the City so elects to install all water mains, and appurtenances thereto, water service shall be provided only if the developer of said subdivision agrees that if the water main connection charges set forth in subsections (a), (b), and (c) above have not been paid for eighty (80%) percent of all lots within said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the water lines by the City, whichever is the longer period of time, developer, or his assignees shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1726-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyiz
NORRINE COYIZ, City Clerk

EFFECTIVE DATE: June 6, 1978

ORDINANCE NO. 1727 -C.S.

AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (VENEQUITY CORPORATION)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Venequity Corporation

on February 15, 1978, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on March 21, 1978, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 78-45, adopted on March 21, 1978, the Planning Commission recommended to the Council that the application of Venequity Corporation

to amend Section 2-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on May 8, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The property location conforms to the R-2 location criteria of the General Plan.
2. The adopted Pelandale Neighborhood Zoning and Development Plan designates the subject property for R-2 density residential development.

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1

to Medium Density Residential Zone, R-2

ALL that certain real property situate in a portion of the Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Northeast corner of the East half of the West half of the Southeast quarter of the Southwest quarter of said Section 2; thence South 0°17'08" West, along the East line of said East half of the West half of the Southeast quarter of the Southwest quarter of Section 2, a distance of 330.01 feet; thence South 89°57' West, parallel with and 330.00 feet distant Southerly from the East-West quarter-quarter Section line, (the center line of Pelandale Road), a distance of 317.98 feet; thence North 0°15'35" East, parallel with and 10.00 feet distant Easterly from the West line of said East half of the West half of the Southeast quarter of the Southwest quarter of Section 2, a distance of 330.00 feet to a point on said East-West quarter-quarter line, (the center line of Pelandale Road); thence North 89°57' East, along said quarter-quarter line, a distance of 318.13 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 2-3-8 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Driede
Department of Planning and
Community Development

Ord. No. 1727-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 14, 1978

Ordinance 1727 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1728 -C.S.

AN ORDINANCE AMENDING ORDINANCE NO. 1080-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 916-C.S. RELATING TO PLANNED DEVELOPMENT ZONE, P-D(45). (MODESTO SWIM AND RACQUET CLUB)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1080-C.S. Section 2 of Ordinance No. 1080-C.S. entitled "An Ordinance Amending Section 2 of Ordinance No. 916-C.S. Relating to Planned Development Zone, P-D(45). (Modesto Swim and Racquet Club)" is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(45) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code; said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:
Private recreational facilities, including the following:

1. Gymnasium;
2. Tennis facilities (excluding any stadium or bleachers, etc.);
3. Swimming facilities;
4. Parking area;
5. General recreation area;
6. Club activities area; and
7. All of the above facilities may be used by the Racquet Club members and their guests, and by any other private club or group for events or activities of those particular groups or clubs. The Racquet Club and such private groups or clubs may conduct social, recreational, athletic or educational classes, instruction, tournaments, or other related activities on said premises. However, no dances, or dance band concerts that are open to the general public or that are advertised by any news media shall be permitted. All activities for

young adults or teenagers
conducted at the Club shall be
terminated no later than 12:00 midnight.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1728-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1978

ORDINANCE NO. 1729 -C.S.

AN ORDINANCE REPEALING ARTICLES 2 AND 4 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO MCHENRY PUBLIC LIBRARY CAPITAL OUTLAY FUND AND LIBRARY CASH-BASIS FUND.

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

SECTION 1. REPEALS. Articles 2 and 4 of Chapter 1 of Title VIII of the Modesto Municipal Code are hereby repealed.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

APPROVED AS TO FORM:

By Norrine Coyle
NORRINE COYLE, City Clerk

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

(SEAL)

Ord. No. 1729-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1978

ORDINANCE NO. 1730 -C. S.

AN ORDINANCE AMENDING SECTION 2-3.601 OF ARTICLE 6 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO HEALTH DEPARTMENT.

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

SECTION 1. AMENDMENT OF CODE. Section 2-3.601 of Article 6 of Chapter 3 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-3.601. CONSOLIDATION WITH THE COUNTY HEALTH DEPARTMENT. Pursuant to the provisions of Section 903 of the Charter of the City of Modesto and of the pertinent sections of the Health and Safety Code, the City Health Department is consolidated with the County Health Department for the purpose of enforcing State laws and regulations relating to public health. The enforcement of the provisions of the Municipal Code relating to health matters shall be provided by the County Health Officer, acting as City Health Officer, under terms of an agreement with the County of Stanislaus.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was

upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *Norrine Coyze*
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1730-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None


ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1978