

ORDINANCE NO. 1731 -C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (RODNEY R. JOHNSON)

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

SECTION 1. 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  
Planned-Development Zone, P-D (186) :

ALL of Lot 15 of Coffee Colony, as per Map filed January 13, 1906,  
in Volume 2 of Maps, Page 22, Stanislaus County Records.

EXCEPTING therefrom all that portion thereof described as follows:

BEGINNING at the Southwest corner of said Lot 15 and running  
thence North 0°42' West along the West line of said Lot 15, a distance  
of 16.32 feet to the Southwest corner of Village Manor Unit No. 1,  
as per Map filed March 14, 1961, in Volume 19 of Maps, Page 60,  
Stanislaus County Records; thence following the South boundary of  
said Village Manor Unit No. 1, the following two courses and  
distances, to wit: South 87°39'24" East 167.08 feet and South  
80°23'19" East 69.05 feet to a point on the Southline of Lot 15 above  
referred to; thence along said South lot line North 89°30' West a  
distance of 234.83 feet to the point of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof included  
within the subdivision known as Village Manor Unit No. 1 as per  
Map filed March 14, 1961, in Volume 19 of Maps, Page 60,  
Stanislaus County Records.

ALSO EXCEPTING THEREFROM all that portion thereof included  
within the Subdivision known as Village Manor Unit No. 2, as  
per Map filed January 3, 1962, in Volume 19 of Maps, Page 94,  
Stanislaus County Records.

9

SECTION 2. USES. The following uses shall be permitted in said P-D (186) 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 maximum of 20 one-story apartment dwelling units.
2. An off-street parking area in accordance with the plan on file in the office of the Director of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 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.

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 5th day of June, 1978, by Councilmember Elliott, 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: *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 Daniels*  
Department of Planning and  
Community Development

Ord. No. 1731-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 12th day of June, 1978, Councilmember Lang 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: July 12, 1978

**Ordinance 1731 C.S.**  
**Exhibit A – Map**

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

ORDINANCE NO. 1732 -C.S.

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

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

on March 17, 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 April 18, 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. 78-61, adopted on April 18, 1978, the Planning Commission recommended to the Council that the application of Grant Construction Company

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,

SECTION 2. ZONING CHANGE. Section 2-3-8 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 that certain real property situate in a portion of the Southwest quarter of the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East quarter-quarter section corner of said Section 2 said quarter-quarter corner being also the intersection of the centerline of Dale Road with the centerline of Pelandale Avenue; thence South 89° 57' 00" West, along said centerline of Pelandale Avenue, a distance of 1980.00 feet to the point of beginning; thence South 0° 18' 10" West, a distance of 302.50 feet; thence South 89° 57' 00" West, a distance of 560.32 feet; thence North 0° 17' 57" East, a distance of 0.78 feet; thence North 89° 42' 03" West, a distance of 100.00 feet to the North-South quarter section line of said Section 2; thence North 0° 17' 57" East, along said quarter section line, a distance of 301.72 feet to said centerline of Pelandale Avenue; thence North 89° 57' 00" East, along said centerline of Pelandale Avenue, a distance of 660.34 feet to the point of beginning.

Containing: 4.58 acres

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.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 5, 19<sup>78</sup>, 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 locational criteria of the General Plan.
2. The adopted Pelandale Neighborhood Zoning and Development Plan designates the subject property for R-2 density residential development.

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 5th day of June, 1978, by Councilmember Kullijian, 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 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 Smith  
Department of Planning and  
Community Development

Ord. No. 1732-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 12th day of June, 1978, Councilmember Lang 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: July 12, 1978

**Ordinance 1732 C.S.  
Exhibit A – Map**

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

ORDINANCE NO. 1733 -C.S.

AN ORDINANCE AMENDING SECTION MAP 15-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING  
CERTAIN PROPERTY LOCATED THEREON. (IRWIN STEINPRESS)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the  
Zoning Map is hereby amended to prezone the following-described  
property to Planned-Development Zone, P-PD(185):

All that certain real property situate in a portion of the Northeast  
quarter of Section 15, Township 3 South, Range 9 East, Mount  
Diablo Base and Meridian, in the County of Stanislaus, State of  
California described as follows:

BEGINNING at the intersection of the centerline of Floyd Avenue  
with the Northerly prolongation of the East line of Pleasant View  
Estates No. 2, as shown on the map filed in Volume 23 of Maps  
at Page 33, Stanislaus County Records; thence South 89° 23' 50" East  
along said centerline of Floyd Avenue a distance of 754.06 feet, to  
the West line of the property conveyed to William B. Reese, by  
Deed recorded September 12, 1958, Instrument No. 22910; thence  
South, along said West line of Reese property, a distance of  
136.00 feet; thence North 89° 23' 50" West, 754.06 feet to said  
East line of Pleasant View Estates No. 2; thence North along said  
East line of Pleasant View Estates No. 2, a distance of 136.00  
feet to the point of beginning.

Containing 2.35 acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(185\_\_\_) 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. Eight triplexes.
2. Off-street parking areas in accordance with Article 18 of the Municipal Code and so designed for all cars to enter Floyd Avenue in a forward manner.

SECTION 3. ZONING MAP. Section Map 15-3-9 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 5th day of June, 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, 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 William D. Richards  
Department of Planning and  
Community Development

Ord. No. 1733-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 12th day of June, 1978, Councilmember Lang 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: July 12, 1978

Ordinance 1733 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1734 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WALTER C. WATSON)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Walter C. Watson

on March 17, 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 April 18, 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. 78-59, adopted on April 18, 1978, the Planning Commission recommended to the Council that the application of Walter C. Watson

to amend Section 8-3-9 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 June 12, 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 upon a major street.
2. The proposed R-2 zoning conforms to the Revised Northwest McHenry Zoning and Development Policy adopted by the Planning Commission.
3. The R-2 Zone development standards contained in the Municipal Code together with the requirement for Planning Commission site plan approval prior to actual construction insures compatibility with the adjoining single-family residential development to the north will be maintained.

SECTION 2. 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 Medium Density Residential Zone, R-2 :

ALL that portion of the Southwest quarter of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the interior quarter corner of said Section 8; thence North 1° 20' 20" West along the Westerly line of the Northeast quarter of said Section 8, a distance of 20.47 feet; thence, westerly along the North line of 40-foot wide Standiford Avenue 20 feet; thence Northerly along a line parallel with the West line of the Northeast quarter of said Section 8, a distance of 271.69 feet; thence Easterly 20 feet to a Northwest corner of Lot 11 in Block 13051 of Greenwood Estates No. 1 according to the official map thereof, filed in the office of the County Recorder of Stanislaus County on May 11, 1965, in Volume 21 of Maps, Page 9; thence along a West line of said Lot 11, South 1° 20' 20" East 42.15 feet to the Southwest corner thereof; thence South 89° 35' East along the South line of Lots 11 and 10 in Block 13051 of said Greenwood Estates No. 1, a distance of 150 feet to the Northwest corner of Lot 1 in said Block 13051; thence South 1° 20' 20" East along the West line of said Lot 1 and the Southerly extension thereof, 250.01 feet to a point on the South line of the Northeast quarter of said Section 8; thence North 89° 35' West along said South line 150 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 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 12th day of June, 1978, by Councilmember Elliott, 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: 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 J. ...  
Department of Planning and  
Community Development

Ord. No. 1734-C.S.

**FINAL ADOPTION CLAUSE**

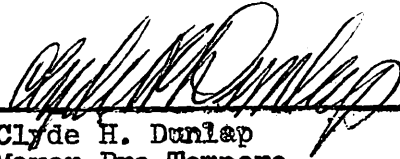
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Elliott moved its final adoption, which motion being duly 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 Pro Tempore Dunlap

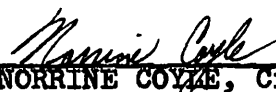
**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

APPROVED

  
Clyde H. Dunlap  
Mayor Pro Tempore

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1978

Ordinance 1734 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1735 -C.S.

AN ORDINANCE AMENDING SECTION MAP 6-4-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (MID-CAL LAND DEVELOPMENT)

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

SECTION 1. ZONING CHANGE. Section 6-4-9 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 (184) :

All that certain property situate in Section 6, Township 4 South, Range 9 East,  
Mount Diablo Base and Meridian, located in the City of Modesto, County of  
Stanislaus, State of California, described as follows:

COMMENCING at the interior quarter corner of said section 6; thence South  
0°00'55" East along the quarter section line a distance of 362.87 feet  
to the true point of beginning of this description; thence continuing  
South 0°00'55" East 163.66 feet; thence South 89°39'59" West 151.54 feet  
to the beginning of a tangent curve concave to the North having a radius  
of 300.00 feet; thence Westerly 68.11 feet along said curve through a  
central angle of 13°00'31" to the beginning of a reverse curve concave  
to the South having a radius of 250.00 feet, a radial line through said  
beginning of reverse curve bears North 12°40'30" East; thence Westerly  
56.34 feet along said curve through a central angle of 12°54'45"; thence  
on a non-tangent line South 0°00'40" East 816.58 feet to the center line  
of Robertson Road; thence South 89°40'20" West along the center line of  
Robertson Road a distance of 413.71 feet; thence North 0°08'52" East  
967.28 feet; thence North 89°45'50" East 686.01 feet to the true point  
of beginning of this description.

Containing 10.169 Acres

SECTION 2. ZONING CHANGE. Section 6-4-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD (184):

All that certain property situate in Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the County of Stanislaus, State of California, described as follows:

BEGINNING at the interior quarter corner of said Section 6; thence South  $0^{\circ}00'55''$  East along the quarter section line, a distance of 362.87 feet; thence South  $89^{\circ}45'50''$  West 686.01 feet; thence South  $0^{\circ}08'52''$  West 967.28 feet to the center line of Robertson Road ; thence South  $89^{\circ}40'20''$  West along the center line of Robertson Road a distance of 688.73 feet; thence North  $0^{\circ}18'10''$  East 1320.20 feet to a point on the North line of Peggy Lane; thence South  $89^{\circ}47'15''$  West along the North line of Peggy Lane a distance of 85.00 feet; thence North  $0^{\circ}00'29''$  West 159.45 feet; thence North  $50^{\circ}06'17''$  East 612.66 feet; thence North  $89^{\circ}40'20''$  East 270.05 feet; thence North  $0^{\circ}00'29''$  West 211.15 feet; thence North  $50^{\circ}06'17''$  East, 83.75 feet to a point on a non-tangent curve concave to the southwest having a radius of 340.00 feet and a central angle of  $25^{\circ}26'50''$ , a radial to said point bears North  $75^{\circ}33'07''$  East; thence Northwesterly 151.01 feet along said curve to a tangent line; thence North  $39^{\circ}53'43''$  West along said tangent line 158.91 feet to the centerline of Paradise Road; thence North  $50^{\circ}06'17''$  East along the centerline of Paradise Road a distance of 60.00 feet; thence South  $39^{\circ}53'43''$  East 158.91 feet to the beginning of a tangent curve concave to the Southwest having a radius of 400.00 feet; thence Southeasterly 149.55 feet along said curve through a central angle of  $21^{\circ}25'18''$ ; thence on a non-tangent line North  $50^{\circ}06'17''$  East 279.99 feet; thence North  $89^{\circ}59'31''$  East 385.75 feet to a point on the North-South quarter section line of Section 6; thence South  $0^{\circ}00'29''$  East along said quarter section line a distance of 1023.33 feet to the true point of beginning of this description.

Containing 49.979 acres

SECTION 3. USES. The following uses shall be permitted in said P-D (184) Zone and P-PD (184) 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) Approximately 436 zero lot line single-family dwelling units; the exact number of units to be determined by the Subdivision Map.
- (2) Off-street parking in accordance with Article 18 of the Municipal Code.

SECTION 4. ZONING MAP. Section Map 6-4-9 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 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 12th day of June, 1978, by Councilmember Kullijian, 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, Kullijian, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott, Lang

ABSENT: Councilmembers: 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 J. McCreedy*  
Department of Planning and  
Community Development

Ord. No. 1735-C.S.

**FINAL ADOPTION CLAUSE**

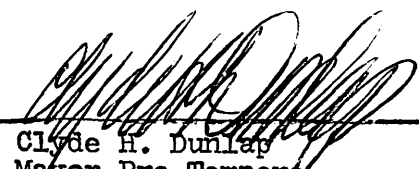
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

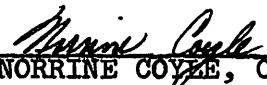
**AYES:** Councilmembers: Elliott, Kullijian, Siefkin,  
Mayor Pro Tempore Dunlap

**NOES:** Councilmembers: Lang, Mensinger

**ABSENT:** Councilmembers: Mayor Davies

APPROVED

  
\_\_\_\_\_  
Clyde H. Dunlap  
Mayor Pro Tempore

**ATTEST:**   
\_\_\_\_\_  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** July 19, 1978

Ordinance 1735 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (STONE BROTHERS AND ASSOCIATES)

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

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Stone Brothers and Associates on March 17, 1978 to reclassify a portion of Planned Development Zone, P-D(21), (which allows two-story R-3 type apartment and business and professional office development) to Professional Office Zone, P-O, and a new Planned Development Zone, P-D, to allow Neighborhood Commercial Zone, C-1, uses, property located on the south side of Standiford Avenue west of Tully Road, which property is hereinafter described, and

WHEREAS, after public hearing held on April 18, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the reasons set forth in Planning Commission Resolution No. 78-58, and

WHEREAS, by Resolution No. 78-58, adopted on April 18, 1978, the Planning Commission recommended to the Council that the application of Stone Brothers and Associates to amend Section 7-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(21) to Professional Office Zone, P-O, and Planned Development Zone, P-D(183), 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 June 12, 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 area proposed for rezoning from P-D(21) to P-O fronts on a major street directly across from P-D(133) which contains a mixture of C-1 and P-O uses.
2. The proposed P-O zoning will be compatible with the existing single-family residential area adjoining to the south.
3. The proposed new P-D zone allowing C-1 uses will allow a reasonable range of commercial uses to serve the adjoining neighborhoods while assuring that the best interests of the general public and compatibility with adjoining property will be maintained.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned Development Zone, P-D(21), to Professional Office Zone, P-O:

P-D(21) to P-O: (East of Chancellor Avenue)

ALL that certain real property situate in the Southeast Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

COMMENCING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County records; thence North 89°08' West along the centerline of Standiford Avenue a distance of 663.06 feet to the POINT OF BEGINNING of this description; thence South 0°52' West 225.36 feet; thence South 89°08' East 125.00 feet; thence South 0°54' East 60.00 feet; thence South 89°08' East 84.15 feet; thence North 0°52' East 285.33 feet; thence North 89°08' West along the centerline of Standiford Avenue a distance of 211.00 feet to the POINT OF BEGINNING.

Contains: 1.21 acres gross (.86 acres net)

P-D(21) to P-O (West of Chancellor Avenue)

COMMENCING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County Records; thence North 89°08' West along the centerline of Standiford Avenue a distance of 663.06 feet to the POINT OF BEGINNING of this description; thence South 0°52' West 225.36 feet; thence North 89°08' West 135.00 feet; thence South 5°10' East 37.86 feet; thence South 84°50' West 285.45 feet; thence North 1°02'40" West 293.17 feet thence South 89°08' East along the centerline of Standiford Avenue 424.67 feet to the POINT OF BEGINNING.

Contains: 2.52 acres gross (1.93 acres net)

SECTION 3. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(21) to Planned Development Zone, P-D(183):

P-D(21) to P-D(183):

BEGINNING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County Records; thence North 89°08' West along the centerline of Standiford Avenue a distance of 452.06 feet; thence South 0°52' West 285.33 feet; thence South 89°08' East 195.86 feet; thence North 0°54' West 83.14 feet; thence South 89°11'45" East 265.00 feet; thence North 0°54' West along the east line of Section 7 a distance of 202.03 feet to the POINT OF BEGINNING.

Contains: 2.48 acres gross (1.81 acres net)

SECTION 4. USES. The following uses shall be permitted in said Planned Development Zone P-D(183), 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:

All uses allowed in the C-1, Neighborhood Commercial Zone.

SECTION 5. ZONING MAP. Section Map 7-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 6. 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 7. 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 12 day of June, 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:

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 Altbain Mills  
Department of Planning and  
Community Development

Ord. No. 1736-C.S.

FINAL ADOPTION CLAUSE

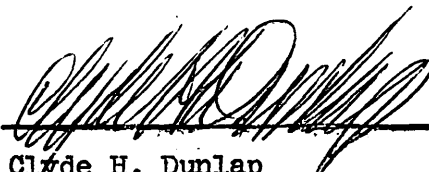
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Elliott moved its final adoption, which motion being duly 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 Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

  
Clyde H. Dunlap  
Mayor Pro Tempore

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1978

Ordinance 1736 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1737-C.S.

AN ORDINANCE ADOPTING A DRAINAGE PLAN FOR THE CLAUS ROAD DRAINAGE AREA.

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

SECTION 1. That certain drainage plan entitled "Proposal for the formation of the Claus Road Drainage Area" consisting of 11 pages, appendices A and B and Exhibit A, copies of which are on file in the offices of the City Clerk and the Director of Public Works of the City of Modesto is hereby adopted as the drainage plan for the removal of surface and storm waters from the following described area:

CLAUS ROAD DRAINAGE AREA BOUNDARY DESCRIPTION

All that real property in the State of California, County of Stanislaus, being a portion of the East half of Section 24, Township 3 South, Range 9 East, and the Northeast, Northwest and Southwest quarters of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the Northern line of 50.00 foot Scenic Drive and the Eastern line of SPRINGCREEK NO. ONE Subdivision, as per map filed May 1, 1973 in Volume 24 of Maps, Page 43, Stanislaus County Records; thence Northerly along the Eastern line of said Springcreek No. One and the Eastern line of SPRINGCREEK NO. 2 Subdivision, as per map filed March 22, 1977 in Volume 26 of Maps, Page 64, Stanislaus County Records, 1403.37 feet, to a point on the Southern line of GLENBROOK Subdivision, as per map filed June 28, 1977 in Volume 26 of Maps, Page 90, Stanislaus County Records; thence Easterly along said Southern line of Glenbrook Subdivision, 526.34 feet, to the Southeastern corner of Glenbrook Subdivision; thence Northerly along the Eastern line of Glenbrook Subdivision and its Northerly extension, 834.77 feet, to a point on the Northern line of former 40.00 foot East Orangeburg Avenue; thence Westerly along said Northern line of East Orangeburg Avenue, 655.00 feet, to a point on the Western line of Lot 2 of the IDAHO COLONY, as per map filed April 27, 1909 in Volume 4 of Maps, Page 20, Stanislaus County Records; thence Northerly along said Western line of Lot 2, 1112.32 feet, more or less, to the Southern line of 120.00 foot East Briggsmore Avenue; thence Easterly along the Southern line of East Briggsmore Avenue and its Easterly extension, 1311.17 feet, more or less, to the East line of said Section 24, said line also being the center line of Claus Road; thence Easterly along the Southern line of Parker Road and its Westerly extension, 1271.04 feet, more or less, to the Western line of the 100 foot Modesto Irrigation District right of way; thence Northerly

along the Western line of said Modesto Irrigation District right of way, 20 feet, to the Southern line of 40.00 foot Parker Road; thence Easterly along said Southern line of Parker Road, 1561.24 feet, more or less, to the Western line of the 100 foot right of way of the Atchison, Topeka and Santa Fe Railway Company; thence Southerly along said 100 foot right of way of the Atchison, Topeka and Santa Fe Railway Company, 1304.75 feet, more or less, to the North line of the Southwest quarter of the Northeast quarter of said Section 19; thence Westerly along said North line of the Southwest quarter of the Northeast quarter of Section 19, 10.2 feet, more or less; thence Southerly along a line parallel to and 10.00 feet Westerly from the former Western line of the 100 foot Atchison, Topeka and Santa Fe Railway Company right of way, 828.96 feet, to the Southeastern corner of property conveyed to Harley A. Stewart, by Judgment recorded December 22, 1976, as Instrument 32686, Stanislaus County Records; thence Westerly along the Southern line of said Stewart property, 902.52 feet, more or less, to the center line of Dry Creek; thence meandering downstream along the thread of the stream 3100 feet, more or less, to the Eastern line of 100.00 foot Claus Road; thence Northerly along said Eastern line of 100.00 foot Claus Road, 136.5 feet, more or less; thence Westerly 25 feet, to the Eastern line of 50.00 foot Claus Road; thence Northerly along said Eastern line of 100.00 foot Claus Road, 136.5 feet, more or less; thence Westerly 25 feet, to the Eastern line of 50.00 foot Claus Road; thence Northerly along said Eastern line of 50.00 foot Claus Road, 130 feet, more or less; thence Westerly, 130 feet, more or less, to a point on the Northern line of Scenic Drive; thence Westerly along said Northern line of Scenic Drive, 1095 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the following described property:

The South half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom the Eastern 100.00 feet, measured at right angles, and the Western 25.00 feet, measured at right angles.

Said drainage plan contains an estimate of the total cost of constructing the local drainage facilities required by the plan and includes a map of such area showing its boundaries and the location of such facilities.

SECTION 2. This Council does hereby find and determine that subdivision or other division of land and development of property within said Claus Road Drainage Area will require construction of the facilities described in said drainage plan, and that the fees are fairly apportioned within said area on the basis of benefits conferred on property proposed for subdivision or other division and on

along the Western line of said Modesto Irrigation District right of way, 20 feet, to the Southern line of 40.00 foot Parker Road; thence Easterly along said Southern line of Parker Road, 1561.24 feet, more or less, to the Western line of the 100 foot right of way of the Atchison, Topeka and Santa Fe Railway Company; thence Southerly along said 100 foot right of way of the Atchison, Topeka and Santa Fe Railway Company, 1304.75 feet, more or less, to the North line of the Southwest quarter of the Northeast quarter of said Section 19; thence Westerly along said North line of the Southwest quarter of the Northeast quarter of Section 19, 10.2 feet, more or less; thence Southerly along a line parallel to and 10.00 feet Westerly from the former Western line of the 100 foot Atchison, Topeka and Santa Fe Railway Company right of way, 828.96 feet, to the Southeastern corner of property conveyed to Harley A. Stewart, by Judgment recorded December 22, 1976, as Instrument 32686, Stanislaus County Records; thence Westerly along the Southern line of said Stewart property, 902.52 feet, more or less, to the center line of Dry Creek; thence meandering downstream along the thread of the stream 3100 feet, more or less, to the Eastern line of 100.00 foot Claus Road; thence Northerly along said Eastern line of 100.00 foot Claus Road, 136.5 feet, more or less; thence Westerly 25 feet, to the Eastern line of 50.00 foot Claus Road; thence Northerly along said Eastern line of 100.00 foot Claus Road, 136.5 feet, more or less; thence Westerly 25 feet, to the Eastern line of 50.00 foot Claus Road; thence Northerly along said Eastern line of 50.00 foot Claus Road, 130 feet, more or less; thence Westerly, 130 feet, more or less, to a point on the Northern line of Scenic Drive; thence Westerly along said Northern line of Scenic Drive, 1095 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the following described property:

The South half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom the Eastern 100.00 feet, measured at right angles, and the Western 25.00 feet, measured at right angles.

Said drainage plan contains an estimate of the total cost of constructing the local drainage facilities required by the plan and includes a map of such area showing its boundaries and the location of such facilities.

SECTION 2. This Council does hereby find and determine that subdivision or other division of land and development of property within said Claus Road Drainage Area will require construction of the facilities described in said drainage plan, and that the fees are fairly apportioned within said area on the basis of benefits conferred on property proposed for subdivision or other division and on

Said fees shall be adjusted in accordance with the following formula:

FORMULA:

$$\begin{array}{l} \text{Revised fee per} \\ \text{acre} \end{array} = \frac{\text{Fee per acre shown in} \\ \text{Table A of this ordinance}}{1612} \times \begin{array}{l} \text{Building Cost Index as} \\ \text{of January 1 of the calendar} \\ \text{in which the adjusted fees} \\ \text{shall be effective.} \end{array}$$

In no case shall the fee exceed \$1,440.95 per acre.

The building cost index shall be for the United States as published by the Engineering News-Record, a McGraw-Hill publication.

SECTION 4. This Council does hereby find and determine that, as to any property proposed for subdivision within the Claus Road Drainage Area, the fee established by Section 3 hereof does not exceed the pro rata share of the amount of the total estimated costs of all facilities within the Claus Road Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

SECTION 5. This Council does hereby find and determine that all of the properties within the Claus Road Drainage Area will be benefited by the drainage plan for said area adopted by this ordinance.

SECTION 6. This Council does hereby find and determine that the drainage facilities planned and described in said drainage plan are in addition to existing facilities serving the area at this time.

SECTION 7. This Council does hereby find and determine that Stanislaus County does have a County-wide General Drainage Plan, and the Board of Supervisors of Stanislaus County has by resolution determined that the proposed Claus Road Drainage Area is in conformity with such County Plan.

SECTION 8. The fees required by Section 3 hereof shall be paid into a planned local drainage facilities fund designated as the "Claus Road Drainage Area Fund", to be expended in accordance with the provisions of Sections 66483 and 66488 of the Government Code of the State of California.

SECTION 9. 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 10. 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 12th day of May, 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, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

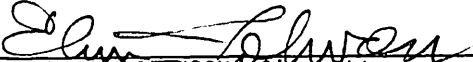
APPROVED:   
LEE H. DAVIES, Mayor

Attest:

BY:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM

BY:   
ELWYN L. JOHNSON, City Attorney

Ord. No. 1737-C.S.

FINAL ADOPTION CLAUSE

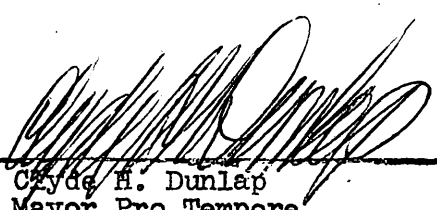
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

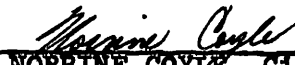
AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

  
Clyde H. Dunlap  
Mayor Pro Tempore

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1978

ORDINANCE NO. 1738 -C.S.

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

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  
Planned-Development Zone, P-D (192) :

Parcel D as shown and as designated on that certain Parcel Map  
filed December 20, 1976, in Volume 24 of Parcel Maps, at  
page 12, being a portion of Lot 4 of McKinney Colony, as per  
map filed November 21, 1903, in Volume 1 of Maps, at page 57.

Including the southerly 30 feet of Veneman Avenue and the  
northerly 50 feet of the Modesto Irrigation District Lateral  
No. 7 immediately adjacent to said Parcel D.

SECTION 2. USES. The following uses shall be permitted in said P-D (192) 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:

400 multiple-family residential units.

Off-street parking in accordance with the plan on file in the office of the Director of Planning and Community Development.

Landscaping and recreational areas including a recreation building, tennis courts, volleyball courts, a swimming pool, and a circulating artificial creek and lake system.

SECTION 3. 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 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 12th day of June, 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, 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 *William Nichols*  
Department of Planning and  
Community Development

Ord. No. 1738-C.S.

FINAL ADOPTION CLAUSE

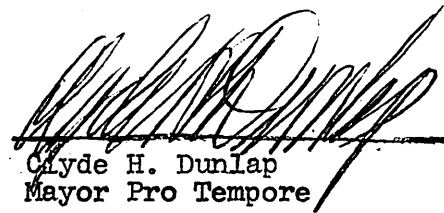
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Elliott moved its final adoption, which motion being duly 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 Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

  
Clyde H. Dunlap  
Mayor Pro Tempore

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1978

Ordinance 1738 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.302 of Article 3 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.302. GENERAL CONDITIONS OF DESIGN. The following general conditions of design shall apply:

(a) Streets and Highways.

(1) Relationship to Existing Streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(2) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred (100') feet.

(3) Intersections. Each street intersection or interception shall be as near to a right angle as is practicable.

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end streets shall be more than five hundred (500') feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of fifty (50') feet measured to the property line or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

(5) Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval of the City Engineer.

(6) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than fifteen (15')

feet. A greater curve radius may be required if streets intersect other than at right angles.

(7) Street Names. All names shall be as approved by the Planning Commission. Duplications of existing names will not be allowed unless the streets are obviously in alignment with existing streets and not so far removed as to be confusing.

(8) Part-Width Streets. In case of a part-width street, a minimum of forty (40') feet along and adjacent to a boundary of the subdivision shall be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of the adjacent lands is filed with the map of the subdivision, granting sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part-width street be less than forty (40') feet in width, except as provided below. The words "part-width street" shall be lettered on the map following the name of such street.

Exception - A part-width street less than forty (40') feet may be permitted upon recommendation of the Planning Commission and subject to the approval of the City Council, as set forth in Section 1805 of the Streets and Highways Code of the State of California. The recommendation of the Planning Commission and the approval of the City Council shall be based upon the following factors.

(aa) The extension of the street is along property lines which form a boundary of the subdivision.

(ab) Adherence to the forty (40') foot part-width standards creates an offset in the center of the street.

(ac) The public interest in having a street without an offset in the center line thereof outweighs the general public policy, set forth above of having all part-width streets a minimum of forty (40') feet in width.

In all cases in which a part-width street less than forty (40') feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40') feet of the street is improved.

(9) Width of Streets. Street right-of-way widths shall be not less than those set forth herein. Increased widths may be required when determined necessary by the Planning Commission in the public interest. Approval or determination of street

classification shall be made by the Planning Commission.

Street Class	Minimum Width
Freeway	As determined by State Highway Commission
Expressway	As determined by precise plan
Major streets . . . . .	100 feet
Collector streets . . . . .	60 feet
Collector streets within 250 feet of major street . . . . .	70 feet
Industrial streets. . . . .	60 feet
Residential streets . . . . .	50 feet
Frontage road . . . . .	As Required
Cul-de-sac . . . . .	50 feet (plus 50-foot radius)

(b) Alleys.

(1) Alleys shall be prohibited in residential subdivisions except when approved or required by the Planning Commission for any one of the following reasons:

(aa) To widen an existing part-width alley which has been dedicated and improved in an adjacent subdivision;

(ab) To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

(ac) The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than street frontage;

(ad) The relationship to existing or proposed adjacent commercial, industrial, or high density residential development, or adjacent railroad, canal rights of way or other physical barrier;

(ae) The unusual size, shape or topographical character of the property to be subdivided.

(2) Residential alleys shall be a minimum of twenty (20') feet in width.

(3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum width of thirty (30') feet, with adequate provision for ingress and egress.

(4) Where two (2) alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

(5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(c) Blocks.

(1) Acre or Large Lot Subdivisions. Where a parcel is first subdivided into small farms or acre tracts, the blocks shall be of such size and shape and be so divided as to provide for the opening of major and collector streets and for the ultimate extension and opening of minor streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

(2) Block Lengths. Block Lengths shall not exceed eleven hundred (1100') feet. For those blocks of an "el" shape, "tee" shape, or superblock configuration, the width shall not exceed five hundred (500') feet in each of any other direction perpendicular or nearly perpendicular to the length. For the purposes of measurement, the distance between extreme property lines measured generally along rear property lines will be utilized. The above limitations shall not apply to blocks which will abut irrigation canals, railroads, freeways, limited access expressways, existing subdivisions with a block over eleven hundred (1,100') feet in length, or other existing barriers over eleven hundred (1,100') feet in length.

(3) Block Widths. Blocks shall be of sufficient width to permit the plotting of two (2) tiers of lots except where blocks are adjacent to major streets, freeways, or expressways and lots are created with back up to such street and front onto a residential or collector street and access rights to such major street, freeway, or expressway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

(d) Lots.

(1) Side Lines. The side lines of all lots wherever practicable shall be at right angles to the center line of the street.

(2) Division of Lots. No lot shall be divided by a county, city, school or any other taxing district boundary line.

(3) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision.

(4) Suitability of Lots. All lots shall be suitable for the purpose for which they are intended to be sold. No land subject to flooding or deemed by the Planning Commission to be uninhabitable shall be plotted for residential occupancy.

(e) Easements.

(1) For Utilities. The subdivider shall grant easements for public utility use along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

(2) For Planting. Where streets are less than sixty (60') feet in width, easements three (3') feet in width for planting and utilities shall be required adjacent to each street right-of-way line.

(3) Dedication. Dedication of easements shall be for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the Council.

(4) Protection of Easements. No person other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such a manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within or overhanging the easement as may endanger or interfere with public utility facilities constructed therein and may have free access to said public utility facilities and every part thereof at all times for the purpose of constructing, operating, and maintaining said public utility facilities.

(5) Design of Easements. Easements shall be located and designed in subdivisions to provide for reasonable, practical

and useful placement, replacement, enlargement, repair and maintenance of utility facilities.

(f) Underground Utilities. All utility distribution facilities and lines including, but not limited to, gas, water, sewer, electrical communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard, or privately owned easements whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the Planning Commission.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the utility companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed aboveground.

(g) Subdivisions Along Major Streets. When a subdivision is developed adjacent to a freeway, expressway or major street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create back-up lots which front upon an interior residential street and back up to such freeway, expressway or major street. When back-up lots are created, the subdivider shall waive direct access rights from the lots to the freeway, expressway or major street and shall construct a masonry wall, fence, or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway, expressway or major street.

(h) Water Courses. The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements or construction, or both, to dispose of such surface and storm water.

(i) Sewage Disposal. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

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 12th day of June, 1978, by Councilmember Siefkin, 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, Mensinger, Siefkin, Mayor Davies**

NOES: Councilmembers: **Lang**

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. 1739-C.S.

**FINAL ADOPTION CLAUSE**

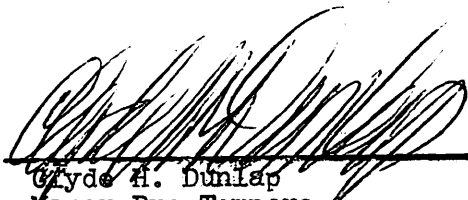
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Lang

**ABSENT:** Councilmembers: Mayor Davies

APPROVED

  
Clyde H. Dunlap  
Mayor Pro Tempore

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

**EFFECTIVE DATE:** July 19, 1978

ORDINANCE NO. 1740 -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 hereof as though herein set out in full.

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

SECTION 3. EMERGENCY PROVISIONS AND DECLARATION OF URGENCY. The Council of the City of Modesto hereby finds and declares that this ordinance is necessary as an emergency measure for preserving the public peace, health, and safety. The City of Modesto, its officers, and employees have withdrawn from the federal Social Security System (Old Age, Survivors, Disability, and Health Insurance) effective June 30, 1978, and in order for these contract amendments, which will replace some of the benefits previously provided by the Social Security System, to be implemented on July 4, 1978, which is the beginning of the first payroll period after June 30, 1978, the ordinance must be effective immediately.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto this ordinance shall become effective immediately upon its adoption.

SECTION 5. PUBLICATION. 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 12th day of June, 1978, by Councilmember Lang, who moved its adoption 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:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

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 August 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, June 24, 1975, and March 28, 1978, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 10 are hereby stricken from said contract as executed effective March 28, 1978, 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 August 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).

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.

"Exhibit A"

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 November 1, 1959 through June 30, 1978, 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 a five-percent increase in allowance 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 the amendment to add this section to this contract, to or on account of members retired or deceased on or prior to December 31, 1970).
  - c. Section 21222.2 (providing 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 the amendment to add this section to this contract, to or on account of members retired or deceased on or after January 1, 1971 but before July 1, 1971).
  - d. Section 21222.6 (providing 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 the amendment to add this section to this contract, 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).
  - f. Section 20024.2 (defining "final compensation" on the basis of average compensation earnable during the year immediately preceding retirement or any other one year period elected by the member) for miscellaneous members.
  - g. Section 21298 (providing increased non-industrial disability retirement allowances of up to fifty-percent of final compensation to members retiring after the effective date of the amendment) for miscellaneous members.

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 regulation. 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. Blechninger, Executive Officer

BY \_\_\_\_\_  
Presiding Officer

**RECEIVED**  
**CLERK**

Approved as to form:

Attest:

\_\_\_\_\_  
Legal Office, PERS

\_\_\_\_\_  
Clerk

AN ORDINANCE AMENDING SECTIONS 11-4.01, 11-4.03, 11-4.04, 11-4.05, 11-4.06, 11-4.08, 11-4.09, 11-4.10, 11-4.11, 11-4.15, 11-4.16, 11-4.17, 11-4.18, 11-4.20, 11-4.21 and 11-4.27 OF CHAPTER 4 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 11-4.30, 11-4.31, 11-4.32, 11-4.33, 11-4.34, 11-4.35 AND 11-4.36 THERETO, AND REPEALING SECTION 11-4.19 THEREOF, RELATING TO COMMUNITY ANTENNA TELEVISION FRANCHISES.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-4.01, 11-4.03, 11-4.04, 11-4.05, 11-4.06, 11-4.08, 11-4.09, 11-4.10, 11-4.11, 11-4.15, 11-4.16, 11-4.17, 11-4.18, 11-4.19, 11-4.20, 11-4.21 and 11-4.27 of Chapter 4 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-4.01. DEFINITIONS. For the purposes of this chapter the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. Except where specifically conflicting with the definitions recited below, this chapter hereby incorporates by reference the CATV definitions in Federal Communications Commission (FCC) Rules and Regulations, adopted from time to time, including but not limited to those set forth in Title 47, Code of Federal Regulations, Part 76, Section 76.5 Definitions. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(a) "CATV" shall mean a community antenna television system as hereinafter defined.

(b) "City" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

(c) "City Manager" shall mean the City Manager of the City of Modesto or any other officer or employee of the City of Modesto designated by the City Manager to act in his place for the purposes set forth in this chapter.

(d) "Community Antenna Television System" shall mean a system of antenna, coaxial cables, wires, electronic devices, or other conductors, equipment or facilities designed, constructed or used for the purpose of providing television and FM radio service by cable or through its facilities as herein contemplated.

(f) "Duly Noticed Public Hearing" means a public hearing before the City Council for which at least ten (10) days' advance notice shall have been provided to the public, and to all interested parties who have so requested, in writing. Public notice may be satisfied by publication in the official newspaper of the City of Modesto. A grantee is a necessary party to any hearing conducted with regard to its operation, and notice to it will be satisfied by registered mail to its office in the City of Modesto. Notice required hereunder shall state clearly: the proposed action or matter under consideration; the time provided for any response, including response by the public; and the date, location and time of the hearing.

(g) "Federal Communications Commission" and "FCC" shall mean the Federal Communications Commission of the United States of America.

(h) "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a CATV system in the City.

(i) "Franchise Area" shall mean the territory within the City throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.

(j) "Franchise Documents" shall mean and include all of the following: (1) Article XIV of the Charter of the City of Modesto; (2) this chapter as it now exists or may hereafter be amended; (3) the ordinance granting a franchise to a particular grantee; and (4) the acceptance of a franchise by a grantee on a form issued by the City and signed by the grantee.

(k) "Full Compliance" means complete satisfaction of all material elements and details of stated requirements.

(l) "Grantee" shall mean the person, firm or corporation to whom or which a franchise, as hereinabove defined, is granted by the Council under this chapter, and the lawful successor, transferee or assignee of said person, firm or corporation.

(m) "Gross Subscriber Receipts" or "Gross Subscriber Revenues" shall mean those revenues derived from supplying regular subscriber services, including but not limited to installation fees, disconnect and reconnect fees, and fees for regular cable services, including transmission of broadcast signals, and access and origination channels, if any, but excluding revenues derived from per-program or per-channel services, leased channel revenues, advertising revenues, and other income derived from the Community Antenna Television System.

Gross Subscriber Receipts shall not include any taxes on services furnished by the grantee imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the grantee for such governmental unit.

installed or used by a grantee in the conduct of a CATV business in the City under the authority of a franchise granted pursuant to this chapter.

(o) "Public Place" shall mean any place in which the public has an interest as affecting the safety, health, morals, and welfare of the city and its citizens, including, but not limited to parks, public buildings, public facilities and public utility easements.

(p) "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, or drive, now or hereafter existing as such within the City.

(q) "Subscriber" shall mean any person or entity receiving for any purpose the CATV service of a grantee.

(r) "Substantial Compliance" where used as to technical requirements, means that ninety percent (90%) of the received channels shall meet all applicable technical standards simultaneously at the time of measurement.

SEC. 11-4.03. FRANCHISE TO OPERATE. A nonexclusive franchise to construct, operate and maintain a CATV system within a franchise area may be granted by the Council to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter.

No provision of this chapter may be deemed or construed as to require granting of a franchise when in the opinion of the Council it is in the public interest not to do so or to restrict the number of grantees.

The operative content of each franchise at any given time consists of all the franchise documents described under the definition of that term in Sec. 11-4.01 hereof, and includes any and all later changes or amendments thereto, including amendments to the City Charter, amendments to this chapter, and to the individual franchise ordinance granting a franchise to operate a CATV system to a particular person, firm or corporation for a specified period of time.

SEC. 11-4.04. USES PERMITTED BY GRANTEE. Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the city in accordance with the provisions of this chapter.

(15) years following the date of acceptance of such franchise by the grantee or the renewal thereof.

SEC. 11-4.06. FRANCHISE PAYMENTS. Any grantee granted a franchise under this chapter shall pay to the City, during the life of such franchise, a sum equal to a set percentage of the gross annual subscriber receipts of the grantee as specifically set forth within the ordinance granting the franchise, and in addition thereto such other sums as may be provided for in said ordinance granting the franchise. Such payment by the grantee to the City shall be made annually, or more frequently if required in the ordinance granting the franchise, by delivery of the same to the Director of Finance. Franchise payments required hereunder shall be in lieu of any business license, occupation tax or similar levy.

The grantee shall file with the Director of Finance within ninety (90) days after the expiration of the grantee's fiscal year or portion thereof during which such franchise is in force, a balance sheet and statement of profit and loss certified to by a certified public accountant, or person otherwise satisfactory to the Director of Finance, showing in detail the gross subscriber receipts, as defined herein, of grantee during the preceding fiscal year or portion thereof. It shall be the duty of the grantee to pay to the City, within fifteen (15) days after the time for filing such statements, the sum hereinabove prescribed or any unpaid balance thereof for the fiscal year or portion thereof covered by such statements.

The City shall have the right to inspect and audit the grantee's fiscal records. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder.

SEC 11-4.08. RIGHTS RESERVED TO THE CITY. (a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain.

or code of the City, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or power, heretofore or hereafter enacted or established.

(c) Neither the granting of any franchise hereunder nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any other person, firm or corporation, within all or any portion of the City.

(d) There is hereby reserved to the City the authority, after the holding of a public hearing, to amend any section or part of this chapter so as to require additional bonding, insurance or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee.

(e) Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

(f) The Council may do all things which are necessary in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The City Manager is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the City, the grantee, or any subscriber, in the best interest of the public. Either the grantee, or any member of the public who may be dissatisfied with the decision of the City Manager may appeal the matter to the Council for hearing and determination. The Council may accept, reject or modify the decision of the City Manager and the Council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of any grantee or from any provision of this chapter.

(g) The City of Modesto shall have a lien against all property of a grantee located within the City against payment of all penalties, claims, and taxes due the City under a franchise.

SEC. 11-4.09. PERMITS, INSTALLATION AND SERVICE. (a) Within sixty (60) days after acceptance of any franchise, the grantee shall make application for and diligently pursue the obtaining of all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, their associated microwave transmission facilities, or any other associated facility.

the CATV system either within ninety (90) days after obtaining all necessary permits, licenses and authorizations, or within ninety (90) days after not less than nine (9) VHF and/or UHF stations provide predicted Grade B or better signal levels to any portion of the City, whichever occurs first.

(c) Within one hundred eighty (180) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all parts of the franchise area shall be provided within two (2) years from the date that service was first provided, except as may be otherwise provided in any franchise issued hereunder.

(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements or any requirements for installation of its system or providing of service set forth in any franchise issued hereunder, and to complete each of said matters, shall be grounds for termination of such franchise, under and pursuant to the terms of Section 11-4.32 hereof; provided, however, that the Council in its discretion may extend the time for obtaining of permits, authorizations, and utility pole clearances, and for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond its control.

SEC. 11-4.10. LOCATION OF PROPERTY OF GRANTEE. (a) The grantee may, at such locations and in such manner as shall be approved by the Director of Public Works acting in the exercise of his reasonable discretion, erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across, and along streets and public places, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the grantee's CATV system only.

(b) The grantee shall not install or erect any facilities or apparatus in or on other public property, places or rights-of-ways, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the Director of Public Works.

(c) In those areas and portions of the City where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground, then the grantee shall likewise construct, operate and maintain all of its transmission and distribution

public utility providing telephone service and those of the utility providing electric service are hereafter placed underground, then the grantee shall construct its transmission and distribution facilities underground concurrently with and at the same time as the transmission and distribution facilities of said telephone service and electric service are placed underground, and the grantee shall thereafter operate and maintain all of its transmission and distribution facilities underground in said areas and portions of the City. For the purpose of this subsection, "underground" shall include a partial underground system.

Amplifiers in grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground. The type and location of said housings shall be subject to the approval of the Director of Public Works. In granting or denying such approval, the Director of Public Works shall take into account the overall design of grantee's system, including technical requirements and costs, as well as other factors he deems appropriate. The City shall not in any manner be responsible for any costs incurred by grantee in placing grantee's facilities underground.

(d) The grantee may install or erect service connection lines from the grantee's transmission cable over, under or across a subscriber's property. The type and location of said transmission cable shall be subject to the approval of the Director of Public Works. In granting or denying such approval, the Director of Public Works shall take into account the overall design of grantee's system, including technical requirements and costs, as well as other factors he deems appropriate. All such service connection lines shall be maintained by the grantee.

(e) The granting of a franchise pursuant to this chapter shall not be construed as permission or authority to enter on, occupy, or otherwise utilize private property outside of public utility easements without the express consent of the owner or agent in possession thereof.

SEC. 11-4.11. REMOVAL AND ABANDONMENT OF PROPERTY OF GRANTEE. (a) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of grantee's franchise or this chapter, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly, upon being given ten (10) days' notice remove from the streets or public places all such property and poles of such system other than any which the Director of Public Works may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works.

(b) Any property of the grantee remaining in place sixty (60) days after the termination or expiration of the franchise shall be considered permanently abandoned. The Director of Public Works may extend such time not to exceed an additional thirty (30) days.

(d) Subject to the provisions of any utility joint use attachment agreement, upon permanent abandonment of the property of the grantee in place, the property shall, at the option of the City, become that of the City, and, if the City exercises the option, the grantee shall submit to the Council an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property.

SEC. 11-4.15. INDEMNIFICATION OF CITY. (a) The grantee shall indemnify and save harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, against all liability to others, including, but not limited to any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise.

(b) The grantee shall indemnify and save harmless the City, its officers, boards, commissions, agents, and employees from and against any and all liability claims, demands, actions, suits, and proceedings by others, for loss or damage, for personal injury, death and property damage, occasioned by the operations of grantee under this chapter and any franchise granted hereunder; and the grantee shall, at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, including either broadcasters liability coverage or personal injury liability coverage, protecting the City and all persons against liability for loss or damage for personal injury, including libel and slander, death and property damage, occasioned by the operations of grantee under this chapter and any franchise granted hereunder, with minimum liability limits of One Million and no/100ths Dollars (\$1,000,000.00) for personal injury or death of any one person and One Million and no/100ths Dollars (\$1,000,000.00) for personal injury or death of two or more persons in any one occurrence, and Two Hundred Fifty Thousand and no/100ths Dollars (\$250,000.00) for damage to property resulting from any one occurrence, or a combined single limit of One Million and no/100ths Dollars (\$1,000,000.00). The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, file with the City Clerk either a copy of such policy or a certificate of insurance evidencing the same in a form satisfactory to the City Attorney. Such policy of insurance, and any certificate evidencing the same, shall contain a contractual liability endorsement specifically extending the policy to cover the liability assumed by grantee under this subsection, and shall also contain a provision that such policy may not be cancelled except after thirty (30) days' notice in writing to be given to the City Clerk.

~~SEC. 11-4.19. REPORTS, PROPERTY AND RECORDS OF THE GRANTEE.~~ (a)

At all reasonable times, the grantee shall permit any duly authorized representative of the City to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the City, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions or property of the grantee with respect to its franchise. If any such maps or records are not kept in the City, or upon reasonable request made available in the City, and if the Council shall determine that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.

(b) The grantee shall prepare and furnish to the Director of Public Works and the Director of Finance at the times and in the form approved by either of said officers, such reports with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the City or any of its officers in connection with the franchise. Such reports shall include a daily log of service requests, customer complaints, customer suggestions and the grantee's response thereto, including the type, manner and time of response.

(c) The grantee shall at all times maintain in its local office a current set of maps drawn to scale, showing all CATV system equipment installed and in place in streets and other public places in the City.

(d) The grantee shall at all times maintain at its local office for public inspection a file containing copies of all reports required by Federal Communications Commission (FCC) Rules and Regulations, Part 76, Subpart H (General Operating Requirements) as the same now exist or may hereafter be changed or amended.

(e) The Grantee shall submit copies of all reports required by Federal Communications Commission (FCC) Rules and Regulations Part 76, Subpart I (Forms and Reports) as the same now exist or may hereafter be changed or amended, including but not limited to FCC Form 325, FCC Form 326, FCC Form 326-A, FCC Form 395, and Annual Report of Complaints as defined within said subpart. Said documentation must be submitted to the City Manager concurrent with submittal to the FCC, unless said requirement is waived from time to time by the City Manager.

(f) The grantee shall give formal notice to the City that it is seeking a Certificate of Compliance from the Federal Communications Commission (FCC), in accordance with the required schedule set forth by the FCC. Within ten (10) calendar days after filing such a request with the FCC, the grantee shall file two (2) copies of its application for certification with the City Manager, unless said requirement is waived from time to time by the City Manager.

industry practice and as a minimum shall conform with the technical performance standards contained herein. In addition, should the Federal Communications Commission (FCC) or other State or Federal authority having jurisdiction impose CATV system technical performance standards either outside the scope of the technical performance standards contained herein, or requiring a higher level of CATV system performance, those standards are hereby incorporated herein by reference.

(a) Performance of the CATV system as measured at any subscriber terminal with matched 75 ohm termination shall be as follows:

(1) The frequency boundaries of cable television channels delivered to subscriber terminals shall conform to those set forth in FCC 73.603(a).

(2) The frequency of the visual carrier shall be maintained  $1.25 \text{ MHz} \pm 25 \text{ kHz}$  above the lower boundary of the cable television channel for those channels received directly, without the aid of converters, by subscribers. For those subscribers supplied with converters, the frequency of the visual carrier at the output of each such converter shall be maintained  $1.25 \text{ MHz} + 250 \text{ kHz}$  above the lower frequency boundary of the cable television channel.

(3) The aural center frequency of the aural carrier shall be  $4.5 \text{ MHz} \pm 1 \text{ kHz}$  above the frequency of the visual carrier.

(4) The visual signal level across a 75 ohm terminating impedance as viewed from subscriber terminals shall not be less than 1500 microvolts (+3.5 dBmV) or 1000 microvolts (0dBmV) at each outlet for subscribers supplied with multiple CATV system outlets.

(5) The visual signal level on each channel shall be maintained within:

(i) 3 decibels of the visual signal level of any visual carrier within 6 MHz nominal frequency separation, and

(ii) 12 decibels of the visual signal level on any other channel, and

(iii) A maximum level such that signal degradation due to overload in the subscriber's receiver does not occur, and

(iv) 12 decibels over any 24 hour period.

(6) The rms voltage of the aural signal shall be maintained between 13 and 17 decibels below the associated visual signal level.

(7) The peak-to-peak variation in visual signal level caused by undesired low frequency disturbances (hum or repetitive transients) generated within the system, or by inadequate low frequency response, shall not exceed 5% of the visual signal level.

... from 0.75 MHz to 5.0 MHz above the lower boundary frequency of the cable television channel, referenced to the average of the highest and lowest amplitudes within these frequency boundaries.

(9) The ratio of visual signal level to system noise shall be not less than 40 decibels.

(10) The ratio of visual signal level to any undesired co-channel television signal operating on proper offset assignment shall be not less than 36 decibels.

(11) The ratio of visual signal level to the rms amplitude of any coherent disturbances such as intermodulation products or discrete-frequency interfering signals not operating on proper offset assignments shall not be less than 46 decibels.

(12) The terminal isolation provided each subscriber shall be not less than 18 decibels, but in any event, shall be sufficient to prevent reflections caused by open-circuited or short-circuited subscriber terminals from producing visible picture impairments at any other subscriber terminal.

(13) As an exception to the general provision requiring measurements to be made at subscriber terminals, and without regard to the class of cable television channel involved, radiation from a cable television system shall be measured in accordance with procedures outlined in FCC regulations, and shall be limited as follows:

Frequencies	Radiation limit (microvolts/meter)	Distance (feet)
Up to and including 54 MHz	15	100
Over 54 up to and including 216 MHz	20	10
Over 216 MHz	15	100

(14) The CATV system shall be rated for continuous twenty-four (24) hour per day operation.

(15) The FM signal level across a 75 ohm terminating impedance as viewed from subscribers terminals shall be not less than 100 microvolts (-20dBmV) nor greater than the highest permitted channel 6 audio level.

(16) The FM signal level on each channel shall be maintained within:

(i) 3 decibels of the FM signal level of any FM signal on an adjacent (200 kHz spacing) channel, and

(ii) 6 decibels of the FM signal level of any FM signal carried.

(17) The CATV system shall, as a minimum, be capable of operating, in full compliance with the applicable specifications contained herein, over the radio frequency spectrum from 50 to 220 MHz inclusive. Further, the system shall be designed such that twenty (20) channel operation is possible from the outset utilizing the 50 to 220 MHz spectrum.

(b) Non-broadcast signals carried on the CATV system shall meet the following baseband requirements. The RF modulated signals associated with these baseband signals shall meet all requirements of subsection (a) above.

(1) Overall baseband system video frequency response shall be  $\pm 2$  decibels over a DC to 4.2 MHz bandwidth.

(2) Baseband video tilt shall not exceed 2% as measured at the vertical or horizontal rate.

(3) Overall baseband system video signal-to-noise ratio shall be not less than 42 decibels over a DC to 4.2 MHz bandwidth.

(4) Video synchronizing waveform shall comply with the applicable following standard (latest edition):

(i) 2:1 Interlace monochrome - EIA RS-330.

(ii) Full Interlace monochrome - EIA RS-170.

(iii) Color - FCC 73.699 Figure 6.

(5) Minimum television camera (live and film) performance shall be:

(i) Resolution (luminance) - 350 lines center (vertical); 600 lines center, 400 lines corners (horizontal).

(ii) Scan linearity - 2% maximum error (horizontal and vertical).

(iii) Registration (color only) - 0.2% in centered circle of 0.8 picture height; 0.4% overall.

(6) Minimum utility camera (weather scan, message scan, etc.) performance shall be:

(i) Resolution - 300 lines center (vertical); 400 lines center, 300 lines corners (horizontal).

(ii) Scan linearity - 4% maximum error (horizontal and vertical).

(iii) Video tilt - 5% maximum (horizontal or vertical rate).

frequency range 50 to 10KHz.  
(8) Overall audio system signal-to-noise ratio shall be not less than 50 decibels over the frequency range 50 to 10,000 Hz.

(9) Overall audio system harmonic distortion shall not exceed 2% at any frequency from 50 to 10,000 Hz.

(c) The grantee shall provide a local origination studio which meets the following minimum requirements:

(1) 600 square feet (net) space minimum.

(2) 12 foot ceiling height minimum.

(3) 3200 degree K tungsten halogen professional TV production lighting system (250 foot candles minimum capability).

(4) Acoustical noise level under normal studio operating conditions not to exceed NC 25.

(5) Minimum complement of production equipment to include:

Two studio color cameras.

One color film chain (telecine) with one 16 mm film projector and one 35 mm slide projector.

At least two color video tape recorders with insert/assemble editor and capstan servo.

At least one digital video time base corrector for use with the color video tape recorders during both editing and on-cable playback.

Video production switching capability with special effects.

Video picture and waveform monitoring equipment.

Audio mixing and monitoring capability (minimum of 5 input channels).

(d) The grantee shall provide a portable color production system. This system shall meet all baseband requirements contained in this chapter and shall have the following minimum equipment components or be a technically comparable system approved by the City Manager:

(1) Two multi-tube plumbicon cameras with viewfinder and camera control unit (100 foot candle minimum sensitivity).

(2) One video switcher and mixer.

(4) One color video tape recorder with insert/assemble editor (compatible with studio recorders).

(5) Necessary audio and video monitoring equipment.

(e) A television signal return capability shall exist as specified in the ordinance granting a franchise to a particular grantee.

(f) On the last regular working day of each of the first three (3) calendar quarters of each year, the grantee shall submit to the City Manager system performance data taken within the previous seven (7) days. Measurements for said data shall be taken at the same test points selected to satisfy subsection (g) below during the last annual system performance test that data has been submitted to the City. Quarterly test data shall be limited to:

(1) Visual signal level for all channels carried,

(2) Visual signal-to-noise measurements on one active lowband and one active highband VHF channel, and

(3) Visual hum modulation on one channel or pilot carrier.

Quarterly tests shall be performed on a scheduled basis. A representative of the City shall be permitted to accompany the grantee during quarterly measurement activities. The grantee shall not be permitted to make any system adjustments during quarterly measurement activities without noting such adjustments on the test data form.

(g) The grantee shall during the last month of the fourth calendar quarter of each year perform annual CATV system performance tests.

(1) Such tests shall be in full compliance with FCC regulations.

(2) Such tests shall be independently witnessed, and the resultant data analyzed, by a representative of the City.

(3) All necessary test instrumentation shall be supplied by the grantee. A current certificate of calibration by an independent calibration laboratory shall be supplied for each test instrument. All costs for instrumentation and calibration shall be borne by the grantee.

section (a) above, except those requirements regarding 24 hour visual signal amplitude and channel amplitude characteristics, shall include:

- (i) End of each system major trunk, and
- (ii) End of each system trunk branch four or more trunk amplifiers deep.

Actual test locations shall be selected to measure performance of the system in the franchise area and shall be (or as closely as possible simulate) actual subscriber locations.

(5) Measurements regarding 24 hour visual signal level and channel amplitude characteristic shall be made as required by the FCC.

(6) Measurement for system compliance with subsection (b) above shall be made on all origination equipment employed in the system.

(7) Measurement techniques shall be either (i) those suggested by the FCC or (ii) those mutually developed by the grantee and the City and agreed to in writing prior to system testing. If agreement cannot be reached, the City shall prescribe acceptable methods of measurement.

(8) Concurrent with annual performance tests, the City representative shall inspect all system headend facilities and outside plant for adherence to best industry installation, workmanship and safety practice.

(h) The grantee shall maintain the system so it consistently operates within substantial compliance of the technical standards herein.

SEC 11-4.18. MISCELLANEOUS PROVISIONS. (a) When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Manager.

(b) Grantee shall, without charge, provide all subscriber services of its system, including a multiple connection service, not to exceed ten (10), to all public and nonprofit private schools, City police and fire stations, City recreation centers, and such other buildings owned or controlled by the City, which shall from time to time be designated by the City Manager, provided, that such buildings shall be located within the franchise area. Grantee shall install, without charge to City or such public or private schools, up to two hundred feet (200') of service connection from the transmission cable otherwise maintained or required to be maintained by grantee for the service of paying subscribers of grantee. The City or any such public or private schools shall pay to grantee the costs of all labor and materials supplied by grantee for the installation of any service connection in excess of the initial two hundred feet (200'). All equipment necessary to make use of said service shall be the responsibility of the school or city, whichever owns or controls the building.

... upon request of the City Manager, make available its facilities to the City for emergency use during the emergency or disaster period.

(d) The grantee shall not engage directly or indirectly in the business of selling, leasing, renting, furnishing, providing, repairing, or servicing any television, radio or other receiving apparatus or any component part thereof within the City; and such prohibition shall extend and apply to the officers and directors of grantee, to all general and limited partners of grantee, to any person or combination of persons owning, holding, or controlling five percent (5%) or more of any corporate stock or other ownership interest of grantee, or any affiliated or subsidiary entity, owned or controlled by grantee or in which any officer, director, stockholder, general or limited partner, or person or group of persons holding, or controlling any ownership interest in grantee, shall own, hold or control five percent (5%) or more of any corporate stock or other ownership interest; and such prohibition shall likewise apply to any person, firm, or corporation acting or serving in the capacity of a holding or controlled company of grantee.

(e) Except when required by the FCC, grantee shall be prohibited from deleting, revising, adding to, or substituting any program of any television or FM radio broadcast station carried by grantee, whether with or without the consent of such station, without the prior written approval, for good cause shown, of the City Manager and then only upon such terms as the City Manager shall prescribe.

(f) No person, firm, or corporation in the franchise area of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge.

(g) Before grantee shall provide service to any subscriber, grantee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

Subscriber understands that in providing service grantee is making use of streets and public places within the City of Modesto, and that the continued use of these streets and public places is in no way guaranteed. In the event the continued use of such streets and public places is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. Subscriber agrees he will make no claim nor undertake any action against the City, its officers, its employees, or grantee if a service to be provided by grantee hereunder is interrupted or discontinued because the continued use of such streets and public places is denied to grantee for any reason.

The form of grantee's contract with its subscribers shall be subject to approval of the City Attorney.

the grantee shall, at a customer's request, equip the customer's television set with a locking device whereby the customer can control the reception of the pay television programs. The cost of such locking devices may be charged to such customers.

SEC. 11-4.20. APPLICATION FOR FRANCHISE. (a) Application for a franchise hereunder shall be in writing, shall be accompanied by an application fee of Five Hundred and no/100ths Dollars (\$500.00), shall be filed with the City Clerk for transmission to the City Council, and shall contain the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main officers, major stockholders and associates, and the names and addresses of parent and subsidiary companies.

(2) A statement and description of the CATV system proposed to be constructed, installed, maintained, or operated by the applicant; the proposed location of such system and its various components; the manner in which applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system.

(3) A description, in detail, of the equipment or facilities proposed to be constructed, installed and maintained.

(4) A map specifically showing and delineating the proposed service area or areas within which applicant proposes to provide CATV services and for which a franchise is requested if said area is less than the entire City.

(5) A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed or otherwise conveyed over its system.

(6) A statement or schedule in a form approved by the City Manager of proposed rates and charges to subscribers for installation and services, and a copy of proposed service agreement between the grantee and its subscribers shall accompany the application.

(7) A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines or conduits.

(8) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

(9) A financial statement or statements prepared by a certified public accountant, or person otherwise satisfactory to the Director of Finance showing applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system.

(10) The Council may at any time demand, and applicant shall provide, such supplementary, additional or other information as the Council may deem reasonably necessary to determine whether the requested franchise should be granted.

SEC. 11-4.21. PROCEDURE TO GRANT. Upon receipt of an application for a franchise hereunder, the Council, if it desires to consider the granting of the franchise, shall pass a resolution declaring its intention to consider the application, setting forth a notice of the day, hour and place when and where any and all persons may appear before the Council and be heard thereon, and directing the City Clerk to publish said notice in the official newspaper at least once after the passage of said resolution. The time fixed for such hearing shall be not less than ten (10) days nor more than sixty (60) days after the date of the passage of said resolution.

Such notice shall state the name of the applicant, the terms of the franchise, any amounts or percentages grantee shall pay to the City during the life of such franchise, any limitations as to time, place or type of service proposed, together with a general statement of the other major provisions of the proposed franchise, and that copies of the proposed franchise may be obtained at the office of the City Clerk.

SEC. 11-4.27. FRANCHISE RENEWAL. Any franchise granted under this chapter is renewable at the application of the grantee, in the same manner as required herein for obtaining the original franchise, except those provisions which are by their term expressly inapplicable; provided, however, that the Council may at its option waive compliance with any or all of the requirements of Section 11-4.20 hereof. In considering an application for renewal of a franchise, the City Council, shall take into account the record of compliance of the grantee with the franchise.

SEC. 11-4.30. SUPERVISION OF CATV FRANCHISES. (a) In order to serve and maintain the City's continuing regulatory jurisdiction and supervision over the operation of outstanding CATV franchises, the City Manager shall have general supervisory authority over all outstanding CATV franchises, including, without limitation, the authority:

(1) To make recommendations to the City Council on standards and guidelines for the governing of CATV franchises and for amendments to this chapter.

(2) To make written recommendations to the City Council concerning the disposition of specific applications for the granting or renewal of CATV franchises, each such recommendation to be accompanied by a summary of the documents and other evidence considered and of the reasons for the recommendation.

(3) To make written recommendations to the Council on applications for subscriber rate adjustments according to procedures prescribed in this chapter.

(4) To resolve subscriber complaints which have not been resolved by otherwise prescribed procedures.

(5) To monitor the use of access channels; and to promote citizen participation in and full local use of available access channels.

(6) To review and audit all reports and other material required to be submitted to the City by a CATV grantee and all records and other material required to be maintained and kept available by a CATV grantee, to review a CATV grantee's operating rules and subscriber service contracts.

(7) To conduct, or have conducted, performance evaluations of CATV systems.

(8) To initiate investigations and make appropriate recommendations to a CATV grantee and to the City Council as to the grantee's performance under the franchise.

(b) The City Council hereby delegates to the City Manager all necessary and proper powers to carry out his prescribed duties and responsibilities under this chapter. The City Manager shall have no powers, duties or responsibilities with respect to the censorship of program content, whether as to off-air broadcast carriage or locally originated programing.

manager shall verify that each CATV grantee is in compliance with the provisions of this chapter and its franchise.

(b) On or before January 31st of each year each grantee shall file the following report with the City Manager. Such report shall be in a form approved by the City Manager and shall be signed under penalty of perjury by an officer of the grantee principally responsible for the grantee's CATV system in the City of Modesto. Such report shall contain, but not be limited to the following information. Except as otherwise required by the City Manager, the information contained in such report shall be as of December 31st of the previous year.

(1) The name of the grantee and the address of its principal place of business and its principal local address.

(2) The name and title of the officer of the grantee principally responsible for the grantee's CATV system in the City of Modesto.

(3) The name of the engineer primarily responsible for the grantee's CATV system in the City of Modesto.

(4) The names and addresses of all current officers and directors of the grantee.

(5) The names and addresses of any parent corporations of the grantee to which the grantee makes payments for services, including the names and addresses of all officers and directors of such parent corporations, and the locations of their headquarters.

(6) Recitation of the facts surrounding any change in corporate structure or organization of the grantee and parent corporations of the grantee to which the grantee makes payments for any services, including a full disclosure of how such changes affect the relationship of the grantee to its owners.

(7) Recitation that the grantee's FCC certificate of compliance is outstanding and valid.

(8) Recitation of the grantee's date of submission of all reports and other material required to be submitted by the grantee during the previous year to the FCC.

(9) Recitation as to required FCC proof of technical performance testing, including details as to the results thereof and any subsequent corrective action taken by the grantee.

(10) Recitation of the types of services provided by the grantee during the previous year.

(11) Certification that a current set of maps drawn to scale showing all CATV system equipment installed in place in streets and other public places in the City exist in reproducible form and that such documentation is up-to-date.

~~(b) Such other data, information, statements, or assurances~~  
as the City Manager may determine are necessary to verify that a grantee is in compliance with the provisions of this chapter and its franchise.

(c) Upon receiving such report, the City Manager shall determine whether the grantee is in compliance with the provisions of this chapter and its franchise, including the following:

(1) That the commencement or continued operation of the grantee's CATV system in the City of Modesto is in conformity with the purposes of this chapter.

(2) That the commencement or continued operation of the grantee's CATV system in the City of Modesto is for the benefit of the public of the City of Modesto and of the subscribers of the system.

(d) On or before March 31st of each year, the City Manager shall make a report to the City Council on the results of the annual performance verification of each CATV grantee.

(e) If the annual performance verification of a grantee discloses that the grantee is not in substantial compliance with the technical performance standards contained in Section 11-4.17 hereof and in full compliance with all other provisions of this chapter and its franchise, the City Manager shall notify the grantee of such deficiency in writing and the grantee shall correct such deficiency within thirty (30) days after deposit of such written notice in the United States mail, postage prepaid.

(f) A grantee may request an extension of time to correct a deficiency by making such request in writing to the City Manager with a statement of the reasons why such deficiency cannot be fully corrected within said thirty (30) days. The City Manager shall consider and grant or deny such requests as in his judgment he deems justified. The grantee may appeal any such decision by the City Manager to the City Council in accordance with the provisions of Chapter 4 of Title I of the Modesto Municipal Code.

(g) If a grantee fails or refuses to correct such a deficiency within said thirty (30) days or any extensions of time granted by the City Manager or the City Council, the grantee shall pay to the City of Modesto a penalty of Two Thousand and no/100ths Dollars (\$2,000.00) plus Fifty and no/100ths Dollars (\$50.00) per calendar day, including the first day, for each day that said deficiency continues.

(h) Assessment of all penalties against a grantee may be appealed to the City Council, which shall have the authority, by resolution, to waive such penalties, if in the Council's judgment such waiver is deemed justified.

rounds, after thirty (30) days' notice of any proposed termination and duly noticed public hearing, that:

(1) The grantee has failed to comply with any material provision of this chapter, or has, by act or omission, violated any term or condition of any franchise issued hereunder.

(2) Any provision of this chapter has become invalid or unenforceable, and the Council further finds that such provision was a material consideration to the granting of the franchise.

(3) The grantee has failed or refused to correct any deficiency disclosed by the annual performance verification for a period of more than ninety (90) days after notice thereof by the City Manager pursuant to Section 11-4.31 hereof.

(b) Nothing in this chapter shall be deemed or construed as an obligation to renew any expiring franchise or to give priority or preference to an existing grantee over new applicants.

(c) In case of either expiration or termination of a franchise, in order to prevent an interruption of service to the public, the grantee, during a reasonable interim period may be required by the City, and by acceptance of a franchise issued under the provisions of this chapter, accepts such obligation to continue to operate the CATV system. An accounting of net profits or losses shall be made for such interim period and any net profits shall be paid by the grantee to the City of Modesto and the grantee shall be reimbursed for any losses.

(d) In the event a grantee continues to operate after expiration or other termination of any franchise granted hereunder, without the consent of the City, the grantee shall pay to the City reasonable compensation and damages, of not less than twenty-five percent (25%) of its total gross receipts during said period.

#### SEC. 11-4.33. SYSTEM MAINTENANCE AND SUBSCRIBER COMPLAINT PROCEDURES.

(a) The grantee shall at all times employ best industry standard care and shall install and maintain devices or systems for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(b) Except in an emergency, the grantee may interrupt service for maintenance and repair operations only after making reasonable effort to notify affected subscribers in advance and only during periods of daily minimum use.

(c) The grantee has the responsibility of assuring that subscribers receive quality service and quick and fair resolution of any complaints.

maintain an office within the City of Modesto with a telephone number available on a 24-hour basis, located so that subscribers may call without incurring added telephone message unit or toll charges, to receive and initiate action on all CATV subscriber complaints and to take action to provide maintenance services. At the time each new subscriber is connected to the system, the grantee shall provide the subscriber with an up-to-date printed card giving appropriate information regarding complaint procedures. The wording of such information card shall be approved by the City Manager. Such an information card shall also quote for the benefit of all subscribers the applicable current sections of the California Penal Code on unauthorized connections to CATV systems. The grantee shall be responsible for notifying all current subscribers of material changes in this information.

The City shall have a designated official responsible for receiving and dealing with any complaints that have not been timely handled by the grantee. Such City official shall be designated by the City Manager, with a designated address and telephone number, and shall be responsible to receive and process all such complaints during office hours.

(d) Except in emergencies and other situations approved by the City Manager, the grantee shall provide "same day service" response, seven (7) days a week for all complaints received prior to 2:00 p.m. each day. In no event shall the response time for calls received subsequent to 2:00 p.m. exceed twenty-seven (27) hours. Any reported problem posing a threat of bodily injury or property damage shall be resolved immediately regardless of time of day or night.

(e) Upon complaints to the designated City official, the latter shall first assure himself that the matter has been brought to the attention of the designated official of the grantee. If the complaint has not been resolved by the grantee to the satisfaction of the subscriber or subscribers, the responsible City official shall take appropriate action to so resolve it. Failing that, the City official, or the aggrieved subscribers, or the grantee may bring the matter to the attention of the City Manager. If the City Manager is unable to settle the issue to general satisfaction, the matter may be appealed to the City Council by any party.

(f) Both the designated official of the grantee and the designated City official shall maintain logs of the subscriber complaints received by them on forms to be approved by the City Manager, such logs to be a permanent record and used as the basis for confirmation of action on complaints as well as of statistical analysis.

SEC. 11-4.34. SUBSCRIBER RATES. The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved as herein provided. No increase in the rates and charges to subscribers, as set forth in the schedule filed and approved with grantee's application, may be made without the prior approval of the Council expressed by resolution. For unusual circumstances, such as underground cable required, or more than one hundred fifty feet (150') of distance from cable to connection of service to subscribers, an additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by subscribers. For remote, relatively inaccessible subscribers within the City, service may be made available on the basis of cost of materials, labor and easements if required by the grantee. The decision as to what are "unusual circumstances" or "remote, relative inaccessible subscribers" under this paragraph shall be made by the City Manager.

SEC. 11-4.35. SUBSCRIBER RATE REVIEW PROCEDURES. (a) Requests for rate changes by the grantee may be made at intervals of not less than every twelve (12) months. The first application, after the effective date of this section, may be made on or after January 1, 1979.

(b) An application will be reviewed by the City and action taken thereon by the City Council within six (6) months after the date a complete application is received by the City Manager.

(c) An application for rate changes shall be submitted in writing and include:

(1) An audited balance sheet and statement of profit and loss for the most recently completed fiscal year.

(2) A projection or proforma statement estimating for a three (3) year period the financial effect of the rate changes.

(3) A statement of capital assets in the grantee's CATV system in the City of Modesto, showing original cost, depreciation and net depreciated value.

(d) The City Manager shall receive applications and other material submitted by the grantee and other parties who are interested therein and make a recommendation thereon to the City Council. This recommendation will be made after a thorough review, which includes but is not limited to:

(1) The need of the grantee for sufficient income from service fees to properly operate, maintain, and expand the grantee's system in the City of Modesto.

(2) Consideration of the information provided by the grantee in its application pursuant to subsection (c) (3) above. Changes in costs of capital assets of the grantee resulting from the sale or transfer of a franchise to a successor, transferee or assignee shall not be considered for rate review purposes.

(3) The cost of copyright fees, fees or taxes levied by governmental agencies, and expenditures required by the City or other governmental agencies for the express benefit of the public. Penalties for failure to perform under the franchise shall be excluded from the operating costs in the rate review procedures.

(4) Consideration of the application of reasonable economies in the operating costs which are reflected in the grantee's annual financial reports.

(5) Consideration of benefits received in relation to any costs charged by parent corporations.

(6) Consideration of all income (and costs related thereto) generated from the grantee's system in the City of Modesto other than and in addition to service fees.

SEC. 11-4.36. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, or of any federal or state agency with preemptive powers, such decision shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more of such sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this chapter shall not abate, reduce or otherwise affect any consideration or other obligation required of the grantee of any franchise awarded hereunder. If any portion of this chapter is invalidated for any reason it will be subject to renegotiation with the grantee or grantees, subject to such guidance as may have been afforded by the invalidating authority.

SECTION 3. REPEALS. Section 11-4.19 of Chapter 4 of Title XI is hereby repealed.

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.


of the City of Modesto held on the 20th day of June, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

  
~~Clyde H. Dunlap, Jr.~~  
CLYDE H. DUNLAP, JR.,  
Mayor Pro Tempore

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

Ord. No. 1741-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 26th day of June, 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, 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: July 26, 1978

AN ORDINANCE AMENDING SECTION 5-1.102 OF ARTICLE 1 OF CHAPTER 1 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO ENFORCEMENT OF HEALTH AND SANITATION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-1.102 of Article 1 of Chapter 1 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-1.102. ENFORCEMENT OF HEALTH AND SANITATION REGULATIONS. The Health Officer, or such representatives as he may authorize, shall be responsible for the enforcement of the provisions of this title insofar as they relate to health and sanitation, and are authorized to issue a written notice to appear, pursuant to the provisions of Penal Code Section 853.6, whenever they have reasonable cause to believe that a violation of this title has been committed in their presence. The Director of Public Works shall be responsible for enforcing the provisions of these regulations insofar as they relate to the functions and duties of his department. Any enforcement officer, so named, shall have the right to enter any and all premises for the purposes of determining the sanitary condition thereof, if there are reasonable grounds to believe that the violation of these regulations is occurring, and any person denying or obstructing such entry shall be guilty of a misdemeanor and subject to the penalty provided by this Code.

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 19th day of June, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED:

  
~~CLYDE H. DUNLAP, JR.,~~  
CLYDE H. DUNLAP, JR.,  
Mayor Pro Tempore

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

Ord. No. 1742-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 26th day of June, 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, 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:

July 26, 1978

AN ORDINANCE AMENDING SECTION MAPS 12-3-8 AND 13-3-8  
OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (C. J. RUMBLE AND  
SONS, INC.)

WHEREAS, a verified application for an amendment to Sections 12-3-8  
and 13-3-8 of the Zoning Map was filed by C. J. Rumble and Sons, Inc. on April 17,  
1978, to reclassify from Low Density Residential Zone, R-1, to Highway Frontage  
Zone, H-1, and to Medium-High Density Residential Zone, R-3, property located  
east of Sisk Road, both north and south of Rumble Road, described as follows:

Rezone R-1 to H-1

All that certain real property situate in a portion of 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 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at  
page 103, Stanislaus County Records.

Including also the southerly 30 feet of Rumble Road immediately adjacent to  
said Parcel 3.

Containing 1.68 acres gross, 1.52 acres net.

Rezone R-1 to H-1

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

COMMENCING at the Southwest corner of said Section 12; thence North 0°48'40" West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the center line of Rumble Road; thence North 88°45'45" East, along said westerly prolongation of the center line of Rumble Road, a distance of 2.52 feet, to the intersection with the center line of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North 86°23'04" East; thence Northerly along said curve and the center line of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of 2°34'53", to a tangent line; thence North 1°02'03" West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North 69°42'07" East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et.al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South 0°48'40" East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said center line of Rumble Road; thence South 88°45'45" West, along said center line of Rumble Road, a distance of 650.54 feet to the point of beginning.

Containing 3.60 acres, 3.10± net acres;

#### Rezone R-1 to R-3

All that certain real property situate in a portion of 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 2, as shown on the Parcel Map filed in Book 26 of Parcel Maps at page 103, Stanislaus County Records.

Including also the southerly 30 feet of Rumble Road and the Westerly 30 feet of Lou Ann Drive, immediately adjacent to said Parcel 2.

Containing 3.35 acres gross, 2.97 acres net.

and

WHEREAS, after a public hearing held on May 23, 1978, the Planning Commission found and determined as follows:

- 1) A portion of the area proposed for H-1 zoning located north of Rumble Road and west of the northward extension of the H-1 Zone line located south of Rumble Road is required by public necessity, convenience, and general welfare for the following reasons:
  - a) The property fronts upon a major street, Sisk Road.
  - b) The property is bounded on the north, west, and south by commercial zoning.
  
- 2) The remainder of the area proposed by the applicant for H-1 zoning is not required by public necessity, convenience, and general welfare but is instead best suited for R-2 zoning for the following reasons:
  - a) The adopted zoning and development plan for the Chrysler 99 Neighborhood and the General Plan show the property with residential rather than commercial uses.
  - b) The property is sufficiently large to permit its development for residential uses.
  - c) This portion of the subject property does not have access to a major street.
  
- 3) The area proposed by the applicant for R-3 zoning is not required by public necessity, convenience, and general welfare but instead is best suited for R-2 zoning for the following reasons:
  - a) The adopted zoning and development plan for this neighborhood shows this portion of the application being properly developed with only R-1 density residential uses.
  - b) Commercial zoning not shown on the zoning and development plan, which has been permitted subsequent to the plan's adoption adjacent to the applicant's proposed R-3 site make R-2 density housing more applicable than R-1 density housing.

and

WHEREAS, at said public hearing held on May 23, 1978, it was found and determined by the Planning Commission by Resolution No. 78-86 that an amendment to Section 12-3-8 of the Zoning Map to rezone the following described property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, is required by public necessity, convenience and general welfare for the reasons set forth above.

R-1 to H-1

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

The Westerly 347.82 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North 0° 48' 40" West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the Westerly prolongation of the center line of Rumble Road; thence North 88° 45' 45" East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North 86° 23' 04" East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of 2° 34' 53", to a tangent line; thence North 1° 02' 03" West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North 69° 42' 07" East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South 0° 48' 40" East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South 88° 45' 45" West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

and

WHEREAS, at said public hearing held on May 23, 1978, it was further found and determined by the Planning Commission by Resolution No. 78-86 that an amendment to Section Maps 12-3-8 and 13-3-8 of the Zoning Map to rezone the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth above:

R-1 to R-2

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

The Easterly 302.72 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North 0° 48' 40" West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the centerline of Rumble Road; thence North 88° 45' 45" East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North 86° 23' 04" East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of 2° 34' 53", to a tangent line; thence North 1° 02' 03" West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North 69° 42' 07" East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South 0° 48' 40" East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South 88° 45' 45" West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

AND

ALL that certain real property situate in a portion of 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 2, as shown on the Parcel Map filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road and the Westerly 30 feet of Lou Ann Drive, immediately adjacent to said Parcel 2.

AND

ALL of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on July 3, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the rezoning, as recommended by the Planning Commission in its Resolution No. 78-86, 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) Rezoning to H-1 of the area recommended by the Planning Commission for H-1 zoning located north of Rumble Road and west of the northward extension of the H-1 Zone line located south of Rumble Road is required by public necessity, convenience, and general welfare for the following reasons:
  - a) The property fronts upon a major street, Sisk Road.
  - b) The property is bounded on the north, west, and south by commercial zoning.

- 2) Rezoning to R-2 of the remainder of the area proposed by the applicant for H-1 zoning but recommended by the Planning Commission for R-2 zoning is required by public necessity, convenience, and general welfare for the following reasons:
  - a) The adopted zoning and development plan for the Chrysler 99 Neighborhood and the General Plan show the property with residential rather than commercial uses.
  - b) The property is sufficiently large to permit its development for residential uses.
  - c) This portion of the subject property does not have access to a major street.
  
- 3) Rezoning to R-2 of the area proposed by the applicant for R-3 zoning but recommended by the Planning Commission for R-2 zoning is required by public necessity, convenience, and general welfare for the following reasons:
  - a) The adopted zoning and development plan for this neighborhood shows this portion of the application being properly developed with only R-1 density residential uses.
  - b) Commercial zoning not shown on the zoning and development plan, which has been permitted subsequent to the plan's adoption adjacent to the applicant's proposed R-3 site make R-2 density housing more applicable than R-1 density housing.

SECTION 2. ZONING CHANGE. Section Maps 12-3-8 and 13-3-8 of the Zoning Map are hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, and Medium Density Residential Zone, R-2:

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

The Westerly 347.82 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ} 48' 40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the Westerly prolongation of the center line of Rumble Road; thence North  $88^{\circ} 45' 45''$  East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North  $86^{\circ} 23' 04''$  East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ} 34' 53''$ , to a tangent line; thence North  $1^{\circ} 02' 03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ} 42' 07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ} 48' 40''$  East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South  $88^{\circ} 45' 45''$  West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

Section Maps 12-3-8 and 13-3-8

R-1 to R-2

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

The Easterly 302.72 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North 0° 48' 40" West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the centerline of Rumble Road; thence North 88° 45' 45" East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North 86° 23' 04" East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of 2° 34' 53", to a tangent line; thence North 1° 02' 03" West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North 69° 42' 07" East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South 0° 48' 40" East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South 88° 45' 45" West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

AND

ALL that certain real property situate in a portion of 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 2, as shown on the Parcel Map filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road and the Westerly 30 feet of Lou Ann Drive, immediately adjacent to said Parcel 2.

AND

ALL of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3.

SECTION 3. ZONING MAP. Sections 12-3-8 and 13-3-8 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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 26th day of June, 1978, by Councilmember Siefkin, 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, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott, Kullijian, Lang

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By Alban Siedda  
Department of Planning and Community  
Development

Ord. No. 1743-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 July, 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, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott, Kullijian, Lang

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 2, 1978

Ordinance 1743 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1744 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LAND IMPROVEMENT SERVICES, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Land Improvement Services, Inc.

on April 17, 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 May 23, 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. 78-82, adopted on May 23, 1978, the Planning Commission recommended to the Council that the application of Land Improvement Services, Inc.

to amend Section 21-3-9 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 June 26, 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 E. Orangeburg Avenue, a major street.
2. The proposed R-2 zoning does not exceed a net 300-foot depth from the major street frontage and thus conforms with the zoning and development prototype as contained in the Modesto Urban Area General Plan.
3. The requested R-2 zoning will provide for a varied housing type in the E. McHenry Neighborhood as called for in the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 21-3-9 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 portion of the Northeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, M.D.B. & M. described as:

BEGINNING at the Southeast corner of the West 5 acres of the Northeast quarter of the Northeast quarter of said Section 21, and running thence North along the east line of said West 5 acres, a distance of 310 feet; thence at right angles West 110 feet; thence at right angles and parallel with the East line of said West 5 acres, a distance of 310 feet; thence at right angles East 110 feet to the place of beginning.

Containing 29,700 square feet net, 34,100 square feet gross.

SECTION 3. ZONING MAP. Section 21-3-9 of the Zoning

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

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

SECTION 5. PUBLICATION. 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 26th day of June, 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 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 J. ...  
Department of Planning and  
Community Development

Ord. No. 1744-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 July, 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  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 2, 1978

Ordinance 1744 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1745 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON, (NORMAN J. WINSOR)

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

SECTION 1. ZONING CHANGE. Section 31-3-9 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 (187) :

Parcel 3 as shown on a Parcel Map filed in the office of the County Recorder  
of Stanislaus County on September 19, 1973, in Book 17, page 94 of Parcel  
Maps in the County of Stanislaus, State of California, and being a portion  
of the Southwest one-quarter of Section 31, Township 3 South, Range 9 East.

Including also the Easterly 45 feet of Carpenter Road and the Northerly  
20 feet of Chicago Avenue immediately adjacent to said Parcel 3.

SECTION 2. USES. The following uses shall be permitted in said P-D(187) 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 maximum 124-unit mobilehome park including a swimming pool, recreation and storage facilities, and offstreet parking areas.

SECTION 3. ZONING MAP. Section Map 31-3-9 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 26th day of June, 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: *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 Pirkhede*  
Department of Planning and  
Community Development

Ord. No. 1745-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 July, 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  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 2, 1978

Ordinance 1745 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1746 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON, (BEN CIPPONERI)

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

SECTION 1. ZONING CHANGE. Section 19-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property  
from Neighborhood Commercial Zone, C-1 to

Planned-Development Zone, P-D (189) :

Parcel A, as per Parcel Map filed July 22, 1966, in Book 2 of Parcel  
Maps, Page 21, Stanislaus County Records; being a portion of the  
Northwest quarter of the Northwest quarter of Section 19, Township  
3 South, Range 9 East, Mount Diablo Base and Meridian.

Containing 1.03 acres net.

SECTION 2. USES. The following uses shall be permitted in said P-D (189) 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 maximum of 60 dwelling units in a three story structure.
2. An off-street parking area in accordance with the plan on file in the office of the Director of Planning and Community Development.
3. An open space and recreation area.

SECTION 3. ZONING MAP. Section Map 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 26th day of June, 1978 by Councilmember Kullijian, 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, 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 *William J. ...*  
Department of Planning and  
Community Development

Ord. No. 1746-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 July, 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*  
LEE H. DAVIES, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 2, 1978

**Ordinance 1746 C.S.**  
**Exhibit A – Map**

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



WHEREAS, by Resolution No. 78-87, adopted on May 23,  
1978, the Planning Commission recommended to the Council that the applica-  
tion of John and Marcella Hanson  
to amend Section 22-3-9 of the Zoning Map to prezone the hereinafter  
described property to Professional Office  
Zone, P-O, 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  
June 26, 1978, this Council finds and determines that the  
requested prezoning 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 reasons set forth in Planning Commission Resolution  
No. 78-87 and quoted above.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning  
Map is hereby amended to prezone the following described property to  
Professional Office Zone, P-O:

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

The west one-half of Lot 1 in Block 1179 of Garden Acres  
Tract, according to the Official Map thereof, filed in the  
office of the Recorder of Stanislaus County, on November 18,  
1940 in Volume 14 of Maps, at Page 9.

Including also the easterly 25 feet of Coffee Road and the  
southerly 30 feet of Coolidge Avenue immediately adjacent  
to said Lot 1.

Contains 6,256 square feet net, 12,237 square feet gross.

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 26th day of June, 1978, by Councilmember Kullijian, 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

APPROVED AS TO DESCRIPTION:

By William Priddy  
Department of Planning and  
Community Development

Ord. No. 1747-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 July, 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  
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 2, 1978

Ordinance 1747 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1748 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1979, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1978 -79 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

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

SECTION 1. That the "City of Modesto Preliminary Budget 1978 - 79", presented by the City Manager to the City Council at its meeting held May 8, 1978, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1979, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserves for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: salaries, operating expenses and capital outlay; and to transfer between departmental capital budgets budgeted within the same capital fund; and to transfer and expend funds from the Contingency Reserve of the General Fund for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. 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 26th day of June, 1978, by Councilmember Lang, 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, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: None

APPROVED: Ree 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

ORDINANCE NO. 1749 -C.S.

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ANTHONY J. CANNIZZARO)

WHEREAS, a verified application for an amendment to Section 18-3-9 of the Zoning Map was filed by Anthony J. Cannizzaro

on April 21, 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 May 23, 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. 78-81, adopted on May 23, 1978, the Planning Commission recommended to the Council that the application of Anthony J. Cannizzaro

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 July 3, 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 fronts upon a major street.
2. The proposed R-2 zoning conforms to the neighborhood prototype contained in the Modesto Urban Area General Plan.
3. The R-2 zone development standards contained in the Municipal Code together with the requirements for Planning Commission site plan approval prior to actual construction insure compatibility with the adjoining single-family residential development to the west, south, and southwest.

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 :

Commencing at the section corner common to Sections 7, 8, 17, and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0°48' East, 1043.00 feet along the East line of said Section 18, to the point of beginning of this description; thence continuing South 0°48' East, 115.00 feet; thence South 88°12' West 223.65 feet; thence North 0°48' West 115.00 feet; thence North 89°12' East, 223.65 feet to 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 3rd day of July, 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: 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 J. ...  
Department of Planning and  
Community Development

Ord. No. 1749-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 17th day of July, 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, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Elliott, Kullijian

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

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

EFFECTIVE DATE: August 16, 1978

Ordinance 1749 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 1750 -C.S.

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (STAN CUSHWAY)

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

SECTION 1. ZONING CHANGE. Section 32-3-9 of the Zoning  
Map is hereby amended to reclassify the following-described property  
from General Commercial Zone, C-2 to  
Planned-Development Zone, P-D (190):

All that portion of the northeast one-quarter of Section 32, Township  
3 South, Range 9 East, of the Mount Diablo Base and Meridian described  
as follows:

All of lots 25, 26, 27, 28, 29, 30, 31, 32 in Block 32 in the City of  
Modesto and the northeasterly 40 feet of 6th Street, all being immediately  
adjacent to the southwesterly property line of the above said lots.

Including also the southeasterly 40 feet of "H" Street immediately  
adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (190) 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. Warehouse
2. Retail Stores
3. Off-street Parking Areas in accordance with the plan on file in the office of the Director of Planning and Community Development.
4. Interim Outside Display and Sale of Garden Furniture and Accessories

SECTION 3. ZONING MAP. Section Map 32-3-9 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 3rd day of July, 1978, by Councilmember Elliott, 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, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
LEE H. DAVIES, Mayor

ATTEST:

  
NORRINE COYLE, City Clerk

(SEAL)

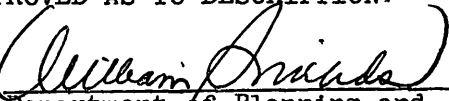
APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

  
Department of Planning and  
Community Development

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 17th day of July, 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, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1978

Ordinance 1750 C.S.  
Exhibit A – Map

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