

ORDINANCE NO. 2313-C.S.

AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A license to collect garbage including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Modesto Garbage Company, Inc., a California Corporation, subject to the following terms and conditions:

(a) This license shall be for a term of eight (8) calendar years commencing retroactively on January 1, 1985. During every third calendar year of the term of this license, including both the initial term and any extensions thereof, the Licensee may make application to the City to extend the term of this license to eight (8) calendar years commencing on January 1 of the following calendar year. Applications for extensions of this license shall be submitted and considered in accordance with the provisions of Chapter 5 of Title V of the Modesto Municipal Code.. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provision of Chapter 5 of Title V of the Modesto Municipal Code. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the initial term of this license or any extensions thereof by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) This license shall be an exclusive license to collect garbage except industrial garbage and salvageable waste, within the area delineated and marked as Area C on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. This license shall be a nonexclusive license to collect industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) This license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) The Licensee shall bill and collect all garbage service charges, provided, however, the City may require that all or some of said garbage service charges shall be billed and collected by the City, and for the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Utility Services of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Utility Services shall make an investigation and determination, and the decision of the Director of Utility Services shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in its relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with this license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Utility Services. Upon approval of the proposed routes by the Director of Utility Services, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Utility Services may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Utility Services and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations. In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Utility Services may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Utility Services.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Utility Services during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Utility Services containing information regarding amounts of

garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed as required by the Director of Utility Services, and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at its expense any containers damaged as a result of its handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Utility Services, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Utility Services and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or other color approved by the Director of Utility Services, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Utility Services to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to

the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation

to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of its employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Utility Services advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color, national origin or handicap.

SECTION 3. SUPERCEDES AND REPEALS. The license to collect garbage granted by this ordinance supercedes and repeals all previous licenses to collect garbage granted by the City of Modesto to Modesto Garbage Company, Inc.

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; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Lang who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and order printed and published by the following vote:

- AYES: Councilmembers: Lang, Muratore, Patterson, Whiteside, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Bright, Sutton

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

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

(SEAL)

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

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**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 February, 1985, Councilmember Patterson 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: Lang, Muratore, Patterson, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bright, Sutton

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** March 28, 1985

ORDINANCE NO. 2314-C.S.

AN ORDINANCE GRANTING TO ORANGE LINE SANITATION COMPANY, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A license to collect garbage including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Orange Line Sanitation Company, Inc., a California Corporation, subject to the following terms and conditions:

(a) This license shall be for a term of seven (7) calendar years commencing retroactively on January 1, 1985. During the second calendar year of the term of this license and during every third calendar year thereafter, including both the initial term and any extensions thereof, the Licensee may make application to the City to extend the term of this license to eight (8) calendar years commencing on January 1 of the following calendar year. Applications for extensions of this license shall be submitted and considered in accordance with the provisions of Chapter 5 of Title V of the Modesto Municipal Code.. The initial term of this license, or any extensions thereof, may be terminated under the provisions of this ordinance or the provision of Chapter 5 of Title V of the Modesto Municipal Code. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the initial term of this license or any extensions thereof by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) This license shall be an exclusive license to collect garbage except industrial garbage and salvageable waste, within the area delineated and marked as Area D on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. This license shall be a nonexclusive license to collect industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) This license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed five (5) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) The Licensee shall bill and collect all garbage service charges, provided, however, the City may require that all or some of said garbage service charges shall be billed and collected by the City, and for the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Utility Services of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Utility Services shall make an investigation and determination, and the decision of the Director of Utility Services shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in its relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with this license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Utility Services. Upon approval of the proposed routes by the Director of Utility Services, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Utility Services may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Utility Services and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations. In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Utility Services may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Utility Services.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Utility Services during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Utility Services containing information regarding amounts of

garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed as required by the Director of Utility Services, and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at its expense any containers damaged as a result of its handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Utility Services, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Utility Services and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code.

All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or other color approved by the Director of Utility Services, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Utility Services to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to

the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation

to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of its employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Utility Services advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of One Hundred Thousand and no/100ths (\$100,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color, national origin or handicap.

SECTION 3. SUPERSEDES AND REPEALS. The license to collect garbage granted by this ordinance supercedes and repeals all previous licenses to collect garbage granted by the City of Modesto to Orange Line Sanitation Company, Inc.

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; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Lang who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and order printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Sutton

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, 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. 2314-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 February, 1985, Councilmember Patterson 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: Lang, Muratore, Patterson, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bright, Sutton

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: March 28, 1985

ORDINANCE NO. 2315 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP TO REPEAL P-D(321) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF ELM AVENUE WEST OF EMERALD AVENUE. (LYONS BROS)

WHEREAS, the City Council, by Ordinance No. 2104-C.S., which was adopted on January 5, 1982, and which became effective on February 4, 1982, amended Section Map 30-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(321), for a 27 unit condominium project property on the north side of Elm Avenue west of Emerald Avenue as requested by Lyons Bros, and

WHEREAS, the Council, by Resolution No. 81-1119, adopted on December 15, 1981 approved the development schedule for P-D(321) which specified that the entire construction program be accomplished in two phases, with construction of Phase I to begin on or before October 1, 1983, and completion to be not later than October 1, 1985, and

WHEREAS, on December 5, 1983, after P-D(321) had expired, the Planning Commission by Resolution No. 83-194 modified and granted a time extension to P-D(321), and

WHEREAS, Section 10-2.2709(c) of the Modesto Municipal Code provides that if the owner or owners of property in P-D Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, P-D(321) has expired as of November 16, 1984, and the Planning Commission, by Resolution No. 84-182 adopted on December 3, 1984

initiated proceedings to repeal P-D(321) and rezone the property to Low Density Residential Zone, R-1, and set January 7, 1985 as the date for public hearing, and

WHEREAS, said public hearing was held by the Planning Commission on January 7, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-12 found and determined that the repeal of Planned Development Zone, P-D(321) and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(321) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The applicants have expressed that they no longer intend to develop under the P-D(321) zone.

and

WHEREAS, by Resolution No. 85-12, adopted January 7, 1985, the Planning Commission recommended to the Council that Section Map 30-3-9 of the Zoning Map be amended to repeal P-D(321) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on February 19, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(321), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-12, and quoted above:

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(321), to Low Density Residential Zone, R-1:

P-D(321) to R-1

All that certain real property situate in a portion of Lot 7 of the MAZE RANCH SUBDIVISION, as shown on the map filed in Volume 4 of Maps, at Page 18, lying in the Southwest Quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of "Elmwood Estates No. 1", as shown on the map filed in Book 21 of Maps, at Page 24, Stanislaus County Records, said corner lying on the North right-of-way line of original 40 foot wide Elm Avenue; thence North 0°30'00" West along the East line of said "Elmwood Estates No. 1", 190.00 feet to the POINT OF BEGINNING of this description; thence continuing North 0°30'00" West along said East line of "Elmwood Estates No. 1", 273.02 feet to a point on the South right-of-way line of the future State Highway 132; thence Easterly along said South right-of-way line the following two (2) courses; 1). South 87°19'21" East, 278.11 feet; 2). thence South 89°46'58" East, 266.92 feet to a point on the West right-of-way line of original 40 foot wide Emerald Avenue; thence South 0°30'00" East, along said West right-of-way line of Emerald Avenue, 94.12 feet; thence South 89°30'00" West, 122.00 feet; thence South 0°30'00" East, 66.40 feet to a point on the North line of Parcel "1", as shown on the map filed in Book 21 of Parcel Maps, at Page 56, Stanislaus County Records; thence South 89°46'48" East, along said North line of Parcel "1", 5.00 feet; thence South

0°30'00" East, 173.47 feet to a point on the South line of Parcel "2", as shown on the map filed in Book 21 of Parcel Maps, at Page 56, Stanislaus County Records; thence North 89°46'07" West, along said South line of Parcel "2", 85.95 feet to the Southwest corner of said Parcel "2"; thence South 0°30'00" East, 125.82 feet to a point on the North right-of-way line of Elm Avenue; thence North 89°45'50" West, along said North right-of-way line of Elm Avenue, 70.66 feet; thence North 0°30'00" West, 200.00 feet; thence North 89°45'50" West, 271.01 feet to the POINT OF BEGINNING of this description.

Including also all of the Northerly one-half of 40.00 foot wide Elm Avenue and the westerly one-half of 40.00 foot wide Emerald Avenue and all immediately adjacent to the above described property.

and

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore,

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: *Peggy Meninger*  
PEGGY MENSINGER, Mayor

ATTEST:

By NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *W S Nichols*  
Department of Planning and  
Community Development

## Ordinance 2315 C.S.

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

Ord. No. 2315-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 February, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bright

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: March 28, 1985

ORDINANCE NO. 2316 -C.S.

AN ORDINANCE AMENDING SECTION 3-10.16 OF CHAPTER 10 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TOWING SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-10.16 of Chapter 10 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-10.16. ATTENDANT'S APPLICATION FEE. Applicants for attendant's permits shall pay to the Director of Finance a processing fee as established from time to time by resolution of the City Council for each application. A copy of the receipt for fees paid shall be filed along with the application with the Chief of Police. When the application is filed with the Modesto Police Department, an additional fee for processing of fingerprints shall be submitted as required by the Bureau of Identification, State of California.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, 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. 2316-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 February, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Bright

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** March 28, 1985

ORDINANCE NO. 2317 -C.S.

AN ORDINANCE AMENDING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO DRINKING IN PUBLIC.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.09 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.09. DRINKING IN PUBLIC. No person shall drink any beer, wine or other intoxicating beverage on any public street, sidewalk, alley, playground or walkway. Nor shall any person drink any intoxicating beverage on any private parking lot held open to the public except for intoxicating beverages dispensed or consumed on a private parking lot pursuant to a license issued for that purpose by the State of California. Nor shall any person drink any intoxicating beverage on any public parking lot except those that directly abut a city park. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, 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. 2317-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 February, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger;

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** Bright

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

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

**EFFECTIVE DATE:** March 28, 1985

ORDINANCE NO. 2318 -C.S.

AN ORDINANCE ADDING SECTIONS 7-3.118 AND 7-3.119 TO CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO MODESTO CITY-COUNTY AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. Sections 7-3.118 and 7-3.119 are hereby added to Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.118. AUTOMOTIVE FUEL. The transportation or storage by individuals of automotive gasoline at the Modesto City-County Airport is forbidden. Automotive gasoline shall be obtained through fixed base operators designated to dispense automotive gasoline by the City Council.

SEC. 7-3.119. AIRCRAFT FUEL SALES. Fuel prices shall be posted on all aircraft fuel pumps so as to be easily visible to the public. Fuel concessionaries shall be required to sell all fuel at the posted price unless a written agreement has been entered into between the fuel concessionaire and the purchaser prior to the sale and said written agreement is on file in the Airport Manager's office.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of February, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Bright

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, 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. 2318-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 February, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Bright

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

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

**EFFECTIVE DATE:** March 28, 1985

ORDINANCE NO. 2319 -C.S.

AN ORDINANCE REPEALING SECTION 6-1.210 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO AUCTIONEER, ITINERANT.

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

SECTION 1. REPEALS. Section 6-1.210 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby repealed.

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside,

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

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

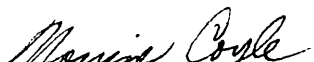
NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of March, 1985, Councilmember Whiteside 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: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Bright

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

EFFECTIVE DATE: April 4, 1985

ORDINANCE NO. 2320 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP TO REPEAL P-D(230) AND REZONE TO M-1, PROPERTY LOCATED ON THE NORTHWEST CORNER OF KANSAS AVENUE AND LONE PALM AVENUE. (KANSAS BUSINESS PARK)

WHEREAS, the City Council, by Ordinance No. 1854-C.S., which was adopted on July 24, 1979, and which became effective on August 23, 1979, amended Section Map 30-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(230), for a large building complex to be divided and sold as industrial condominiums, the 2.3 acre property located at the northwest corner of Kansas Avenue and Lone Palm Avenue, and

WHEREAS, the Council, by Resolution No. 79-701, adopted on July 10, 1979 approved the development schedule for P-D(230) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before October 31, 1980, and completion to be not later than October 31, 1981, and

WHEREAS, the building complex was constructed in accordance with the P-D(230) plan and in accordance with the Kansas Business Park Subdivision, and

WHEREAS, the property has remained in one ownership and complications have arisen with respect to various utility lines crossing property lines, and

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by Servamatic Solar Systems, Inc., owner of the entire P-D(230) Zone, to reclassify from P-D(230) to M-1, Light Industrial Zone, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on December 17, 1984, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 84-199 found and determined that the repeal of Planned Development Zone, P-D(230), and rezoning the property back to Light Industrial Zone, M-1, is required by public necessity, convenience and general welfare for the following reasons:

1. The owner of P-D(230) no longer intends to sell off portions of the building as a condominium.
2. The proposed M-1 zoning conforms to the General Plan and surrounding zoning.

and

WHEREAS, by Resolution No. 84-199, adopted December 17, 1984, the Planning Commission recommended to the Council that Section Map 30-3-9 of the Zoning Map be amended to repeal P-D(230) and rezone the property hereinafter described to Light Industrial Zone, M-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 7:30 p.m. on March 12, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development

Zone, P-D(230), to Light Industrial Zone, M-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 84-199, and quoted above:

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(230), to Light Industrial Zone, M-1:

P-D(230) to M-1

All that portion of Lots 7 and 8 of MAZE COLONY, as per Map filed March 24, 1904, in Volume 1 of Maps, Page 83, Stanislaus County Records, lying in Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the true Southeast corner of said Lot 8, said corner being the intersection of the South line of 40-foot County Road known as Kansas Avenue with the centerline of 30-foot Avenue known as Lone Palm Avenue, running thence South 89°49' West along the South line of said Lot 8 and being also the South line of said Kansas Avenue, a distance of 360.40 feet to a point that bears North 89°49' East 299.60 feet from the true Southwest corner of said Lot 8; thence North 0°58' West parallel with the West line of said Lot 8, a distance of 40 feet to a point on the North line of said Kansas Avenue and being the South corner of land conveyed to Manuel S. Gonsalves, et ux by Deed recorded February 2, 1944, as Instrument No. 1683; thence North 0°01' East along the East line of said Gonsalves land, a distance of 294.05 feet to the Northeast corner thereof; thence North 89°49' East parallel with the South line hereof a distance of 355.40 feet to the East line of said Lot 7 and being the centerline of Lone Palm Avenue; thence South 0°58' East along the East line of said Lots 7 and 8 and the centerline of said Lone Palm Avenue, a distance of 334 feet to the point of beginning.

Excepting therefrom all that portion of Kansas Avenue that is situated between the centerline of Kansas Avenue and the South line of the above-described property.

and

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Sutton

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:


By   
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

## Ordinance 2320 C.S.

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

Ord. No. 2320-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 March, 1985, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Sutton

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 18, 1985

ORDINANCE NO. 2321 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP TO REPEAL P-D(294) AND REZONE TO R-3, PROPERTY LOCATED ON THE THE SOUTH SIDE OF STANDIFORD AVENUE EAST OF COLONIAL DRIVE (TIERRA PLAZA).

WHEREAS, the City Council, by Ordinance No. 2015-C.S., which was adopted on February 17, 1981, and which became effective on March 19, 1981, amended Section Map 8-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(294), to allow conversion of existing apartments to condominiums and construction of additional condominiums, and

WHEREAS, the Council, by Resolution No. 81-82, adopted on February 10, 1981, approved the development schedule for P-D(294) which specified that the entire construction program be accomplished in two phases, with construction of Phase I to begin on or before January 1, 1983, and completion to be not later than January 1, 1985, and

WHEREAS, Section 10-2.2709(c) of the Modesto Municipal Code provides that if the owner or owners of property in P-D Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 85-16 adopted on January 21, 1985 initiated proceedings to consider modification or repeal of P-D(294) and rezoning the property to Medium High Density Residential Zone, R-3, and set February 19, 1985 as the date for public hearing, and

WHEREAS, said public hearing was held by the Planning Commission on February 19, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-34 found and determined that the repeal of Planned Development Zone, P-D(294) and rezoning the property back to Medium High Density Residential Zone, R-3, is required by public necessity, convenience and general welfare for the following reasons:

1. Development in the P-D(294) has not proceeded in accordance with the approved development schedule.
2. No progress has been made in P-D(294) to justify the granting of a time extension under provisions of the Commissions time extension policy.

and

WHEREAS, by Resolution No. 85-34, adopted February 19, 1985, the Planning Commission recommended to the Council that Section Map 8-3-9 of the Zoning Map be amended to repeal P-D(294) and rezone the property hereinafter described to Medium High Density Residential Zone, R-3, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on March 19, 1985, at which time evidence, both oral and documentary, was taken and introduced,

WHEREAS, on January 23, 1985, the City of Modesto Environmental Assessment Committee adopted a notice of exemption in regard to the environmental assessment of the proposed rezoning,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(294), to Medium High Density Residential Zone, R-3, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-34, and quoted above:

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(294), to Medium High Density Residential Zone, R-3:

All that certain real property as shown on the map of Tierra Plaza filed in Volume 26 of Maps at page 78, Stanislaus County Records, being a subdivision of a portion of the Standiford Colony, being a portion of the Southwest Quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and meridian, City of Modesto, County of Stanislaus, State of California; also including the South 30 feet of Standiford Avenue adjacent to Tierra Plaza and the East 30 feet of Colonial Drive adjacent to Tierra Plaza.

and

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1985, by Councilmember Muratore, 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: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Priddy  
Department of Planning and  
Community Development

## Ordinance 2321 C.S.

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

**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 2nd day of April, 1985, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger.
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Sutton

**APPROVED** *Beggy Mensinger*  
MAYOR BEGGY MENSINGER

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

**EFFECTIVE DATE:** May 2, 1985

ORDINANCE NO. 2322 -C.S.

AN ORDINANCE AMENDING SECTION 8-2.603 OF ARTICLE 6 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.603 of

Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.603. TAX IMPOSED.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the following amount:

- (a) Commencing July 1, 1985, a tax in the amount of seven (7%) percent of the rent charged by the operator.
- (b) Commencing July 1, 1986, a tax in the amount of eight (8%) percent of the rent charged by the operator.
- (c) Commencing July 1, 1987, a tax in the amount of nine (9%) percent of the rent charged by the operator.

Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require such tax shall be paid directly to the Tax Administrator.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1985.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1985, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Acting Mayor Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside, Mayor Mensinger

APPROVED: Richard Patterson  
RICHARD PATTERSON, Acting Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Acting Mayor Patterson

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Sutton, Whiteside, Mayor Mensinger

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

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

**EFFECTIVE DATE:** July 1, 1985

ORDINANCE NO. 2323 -C.S.

AN ORDINANCE AMENDING SECTION 2-1.11 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO ADDRESSING THE COUNCIL.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.11 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.11. ADDRESSING THE COUNCIL.

Any person desiring to address the Council at a meeting shall first secure the permission of the Presiding Officer so to do; provided, however, that under the following headings of business, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the Presiding Officer.

- (a) Written Communications. Interested persons or their authorized representatives may address the Council by written communications on any matters concerning the City's business, or any matters over which the Council has control. Such written communications shall be delivered to the City Clerk no later than 5:00 p.m. of the Wednesday immediately preceding the regular Council meeting the agenda for which such written communications are intended.
- (b) Matters for the Good of the Community. Interested persons in the audience or their authorized representatives may address the Council by oral communications on any matters concerning the City's business or any matters over which the Council has control; provided, however, that preference shall be given to those persons who shall have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Council.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1985, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers:** Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** Sutton

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

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

**EFFECTIVE DATE:** May 2, 1985

ORDINANCE NO. 2324 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(310), AND LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(369), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND CONANT AVENUE (TIERRA DEVELOPMENT CO., INC.)

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 Planned Development Zone, P-D(310), and Low Density Residential Zone, R-1, to Planned Development Zone, P-D(369):

All that certain real property situate in 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:

P-D(310) to P-D(369)

Lot 1 and Lot 2, Block 13530 of the Vinewood Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 14, 1979, in Volume 28 of Maps, Page 21 including all of Standiford Avenue, the Southern 50-feet of Modesto Irrigation Lateral No. 7, and the Western 20 feet of Conant Avenue and all immediately adjacent to the above described property.

Also including the Northern 55-feet of the 110-foot wide Hetch Hetchy right-of-way located between the Southerly prolongation of the West line of said Lot 2 of Block 13530 and the North-South quarter section line of said Section 12.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(369):

All that certain real property situate in 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:

R-1 to P-D(369)

Also including the Southern 55-feet of the 110-foot wide Hetch Hetchy right-of-way located between the Southerly prolongation of the West line of said Lot 2 of Block 13530 and the North-South quarter section line of said Section 12.

SECTION 3. USES. The following uses shall be permitted in said P-D(369) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Veterinary office and clinic.
2. All uses as allowed in the P-0, Professional Office Zone.
3. Residential apartments.

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

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

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. Pineda  
Department of Planning and  
Community Development

## Ordinance 2324 C.S.

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

Ord. No. 2324-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1985, Councilmember Whiteside 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: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

**ATTEST:** *Horrine Coyle*  
HORRINE COYLE, City Clerk

**EFFECTIVE DATE:** May 16, 1985

ORDINANCE NO. 2325 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2172-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 7-4-9 AND 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MARTIN TEUNISSEN)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2172-C.S. Section 2 of Ordinance No. 2172-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(336) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

A mobile home park condominium containing a maximum of 310 mobile home condominium spaces and including recreation facilities and off-street parking areas."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, 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. 2325-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1985, Councilmember Whiteside 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: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

**ATTEST:** *Morrine Coyle*  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** May 16, 1985

ORDINANCE NO. 2326 -C.S.

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP TO REPEAL P-D(295) AND REZONE TO R-2, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF COFFEE ROAD AND GRAND PRIX DRIVE. (COMMISSION INITIATED)

WHEREAS, the City Council, by Ordinance No. 2018-C.S., which was adopted on February 24, 1981, and which became effective on April 2, 1981, amended Section Map 9-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(295), to allow conversion of a 48-unit apartment development to a condominium project property located at the southwest corner of Coffee Road and Grand Prix Drive, and

WHEREAS, the Council, by Resolution No. 81-132, adopted on February 24, 1981 approved the development schedule for P-D(295) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before August 1, 1983, and completion to be not later than August 1, 1984, and

WHEREAS, by Resolution No. 83-25 adopted on February 24, 1983, the Planning Commission granted an extension of time to the development schedule to provide that construction shall start on or before August 1, 1984, and be completed by August 1, 1985, and

WHEREAS, Section 10-2.2709(c) of the Modesto Municipal Code provides that if the owner or owners of property in P-D Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 85-19 adopted on February 4, 1985, initiated proceedings to review and extend the development schedule or to repeal P-D(295) and rezone the property to Low Density Residential Zone, R-2, and set March 4, 1985, as the date for public hearing, and

WHEREAS, said public hearing was held by the Planning Commission on February 4, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution No. 85-43 found and determined that the repeal of Planned Development Zone, P-D(295), and rezoning the property back to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(295) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The applicant has expressed that he has no current plans to develop under the P-D(295) zone.

and

WHEREAS, by Resolution No. 85-43, adopted March 4, 1985, the Planning Commission recommended to the Council that Section Map 9-3-9 of the Zoning Map be amended to repeal P-D(295) and rezone the property hereinafter described to Medium Density Residential Zone, R-2, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 7:30 p.m. on April 9, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(295), to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-43, and quoted above:

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(295), to Medium Density Residential Zone, R-2:

All that certain real property as shown on the Map of Grand Prix Plaza, filed in Book 26 of Maps at Page 15, Stanislaus County Records; being a subdivision of Lot 4, of Block 12460 of Grand Prix Estates; being a portion of the Northeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California; also including the West one half of Coffee Road adjacent to Grand Prix Plaza, the East one half of Maserati Drive adjacent to Grand Prix Plaza and the South one half of Grand Prix Drive adjacent to Grand Prix Plaza.

and

SECTION 3. ZONING MAP. Section 9-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1985, by Councilmember Bright, who moved its introduction and passage

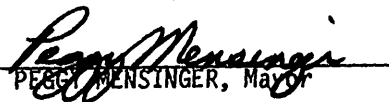
to print, which motion being duly seconded by Councilmember Whiteside,  
was upon roll call carried and ordered printed and published by the following  
vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Whiteside,  
Mayor Mensinger


NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED:

  
PERCY MENSINGER, Mayor

ATTEST:

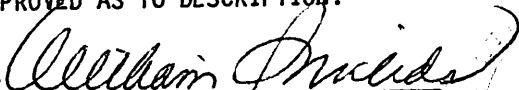
By   
NORRYNE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

## Ordinance 2326 C.S.

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

Ord. No. 2326-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1985, Councilmember Whiteside 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: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
MORRAINE COYLE, City Clerk

**EFFECTIVE DATE:** May 16, 1985

ORDINANCE NO. 2327 -C.S.

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(159), TO PLANNED DEVELOPMENT ZONE, P-D(371), PROPERTY LOCATED ON THE SOUTH SIDE OF BRIGGSMORE AVENUE EAST OF PRESCOTT ROAD (ROBERT L. ERICKSON)

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

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(159), to Planned Development Zone, P-D(371):

All that certain real property situate in a portion of the southwest quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcels A and B as shown on that certain Parcel Map filed February 11, 1975, in Volume 20 of Parcels Maps, at page 82, in the Office of the Recorder of Stanislaus County, California.

SECTION 2. USES. The following uses shall be permitted in said P-D(371) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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 recreation complex including the following:
  - a. Roller skating rink
  - b. Family Amusement Machine Center

2. Mini-Storage Facility

3. Off-street Parking area as shown on the approved plans

SECTION 3. ZONING MAP. Section Map 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1985, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Patterson, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By W. S. Schuch  
Department of Planning and  
Community Development

## Ordinance 2327 C.S.

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

Ord. No. 2327-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 7th day of May, 1985, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 6, 1985

ORDINANCE NO. 2328 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO RECLASSIFY FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(370), PROPERTY LOCATED ON THE NORTHWEST CORNER OF 15TH STREET AND BURNEY STREET (APRIM S. WARDA).

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

SECTION 1. ZONING CHANGE. Section 28-3-9 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(370):

Parcel B as shown upon that certain Parcel Map filed January 22, 1979, in Volume 28 of Parcel Maps, page 56, Stanislaus County Records, being a portion of Lots 1 through 9 in Block 0 of the City of Modesto, as per map filed December 21, 1942, in Volume 15 of Maps.

Including also all of the west 25.00 feet of Burney Street and the northeastern 40.00 feet of 15th Street immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(370) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Auto smog certification and repair station.
2. Other retail/office uses as allowed in the C-1 zone, subject to off-street parking provisions of the Modesto Municipal Code.

SECTION 3. ZONING MAP. Section Map 28-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1985, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By WSNichols 90  
Department of Planning and  
Community Development

## Ordinance 2328 C.S.

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

Ord. No. 2328-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 7th day of May, 1985, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Horrine Coyle  
HORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 6, 1985

ORDINANCE NO. 2329-C.S.

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP TO REZONE FROM C-2 AND M-1, TO PLANNED DEVELOPMENT ZONE, P-D(372), PROPERTY LOCATED IN THE AREA BOUNDED BY K STREET, 11TH STREET, L STREET, AND THE SOUTHERN PACIFIC RAILROAD TRACKS (MODESTO COMMUNITY CENTER).

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

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from C-2, to Planned Development Zone, P-D(372):

All that certain real property situated in a portion of the South one-half of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

C-2 to P-D:

Beginning at the intersection of the center lines of 80.00 foot wide 11th and "L" Streets as shown on map of "Town of Modesto" filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82; thence from said intersection, along the center line of 11th Street.

- (1) South 43°29'30" East 480.00 feet to a point of intersection with the center line of 80.00 foot wide "K" Street, as shown on said map of "Town of Modesto"; thence along the center line of "K" Street.
- (2) South 46°30'30" West, 764.00 feet to the point of intersection with the center line of 88.00 foot wide 9th Street, as shown on said map of "Town of Modesto"; thence along the center line of 9th Street.
- (3) North 43°29'30" West, 480.00 feet to the point of intersection with the center line of aforementioned "L" Street; thence along the center line of "L" Street.

- (4) North 46°30'30" East, 764.00 feet to the point of beginning of this description.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from M-1, to Planned Development Zone, P-D(372):

All that certain real property situated in a portion of the South one-half of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

M-1 to P-D:

Beginning at the intersection of the center lines of 88.00 foot wide 9th Street and 80.00 foot wide "L" Street as shown on map of "Town of Modesto" filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82; thence from said intersection, along the center line of 9th Street.

- (1) South 43°29'30" East 480.00 feet to a point of intersection with the center line of 80.00 foot "K" Street, as shown on said map of "Town of Modesto"; thence along the center line of "K" Street.
- (2) South 46°30'30" West 220.00 feet to a line located parallel to and 176.00 feet distant from the southwestern line of aforementioned 9th Street; thence leaving said center line of "K" Street and along said parallel line.
- (3) North 43°29'30" West, 480.00 feet to the center line of aforementioned "L" Street; thence along the center line of "L" Street.
- (4) North 46°30'30" East, 220.00 feet to the point of beginning of this description.

SECTION 3. USES. The following uses shall be permitted in said P-D(372) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved

plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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:

- Hotel
- Office Building
- All C-2 Zone Uses
- Conference Facilities
- Park-Plaza
- Parking

SECTION 4. ZONING MAP. Section Map 29-3-9 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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton

NOES: Councilmembers: Acting Mayor Patterson

ABSENT: Councilmembers: Whiteside and Mayor Mensinger

APPROVED: Richard Patterson  
RICHARD PATTERSON, Acting Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By WS Nichols Jr  
Department of Planning and  
Community Development

## Ordinance 2329 C.S.

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

**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 7th day of May, 1985, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Muratore, Sutton
- NOES:** Councilmembers: Patterson
- ABSENT:** Councilmembers: Whiteside, Mayor Mensinger

APPROVED Richard Patterson  
RICHARD PATTERSON, Acting Mayor

ATTEST: Morrine Coyle  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: June 6, 1985

ORDINANCE NO. 2330 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1048-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MEMORIAL HOSPITAL ASSOCIATION OF STANISLAUS COUNTY)", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1795-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1048-C.S. Section 2 of Ordinance No. 1048-C.S., as previously amended by Ordinance No. 1795-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(73) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Acute care hospital with up to 169 patient beds.
2. Retirement Living Center with up to 150 beds.
3. Outpatient Center of up to 42,000 square feet.
4. 992 parking spaces.
5. Helicopter landing area."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

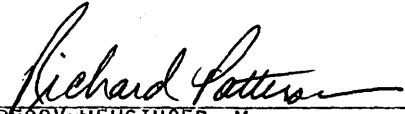
Council of the City of Modesto held on the 7th day of May,  
1985, by Councilmember Bright, who moved its introduction and passage  
to print, which motion being duly seconded by Councilmember Lang,  
was upon roll call carried and ordered printed and published by the following  
vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside,  
Acting Mayor Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

  
~~XXXXXXXXXXXXXXXXXXXX~~  
RICHARD PATTERSON, Acting Mayor

ATTEST:

By   
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELHYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of May, 19 85, Councilmember Sutton moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Acting Mayor Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED Richard Patterson  
MAYOR REGGV MENSINGER  
RICHARD PATTERSON, ACTING MAYOR

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 14, 1985

ORDINANCE NO. 2331 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(373), PROPERTY LOCATED NORTH OF ELM AVENUE AND WEST OF EMERALD AVENUE (STEINPRESS DEVELOPMENT).

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

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(373):

Rezone R-1 to P-D

All that certain real property situate in a portion of Lot 7 of the MAZE RANCH SUBDIVISION, as shown on the map filed in Volume 4 of Maps, at Page 18, lying in the Southwest Quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of "Elmwood Estates No. 1", as shown on the map filed in Book 21 of Maps, at Page 24, Stanislaus County Records, said corner lying on the North right-of-way line of original 40 foot wide Elm Avenue; thence North 0°30'00" West along the East line of said "Elmwood Estates No. 1", 190.00 feet to the POINT OF BEGINNING of this description; thence continuing North 0°30'00" West along said East line of "Elmwood Estates No. 1", 273.02 feet to a point on the South right-of-way line of the future State Highway 132; thence Easterly along said South right-of-way line the following two (2) courses; 1). South 87°19'19" East, 278.20 feet; 2). thence South 89°45'15" East, 266.92 feet to a point on the West right-of-way line of original 40 foot wide Emerald Avenue; thence South 0°30'00" East, along said West right-of-way line of Emerald Avenue, 82.12 feet; thence South 89°30'00" West, 122.00 feet; thence South 0°30'00" East, 251.83 feet to a point on the South line of Parcel "2", as shown on the map filed in Book 21 of Parcel Maps, at Page 56, Stanislaus County Records; thence North 89°44'10" West, along said South line of Parcel "2", 81.19 feet to the Southwest corner of said Parcel "2"; thence South 0°30'00" East, 125.80 feet to a point on the North right-of-way line of afore-

mentioned Elm Avenue; thence North 89°45'35" West, along said North right-of-way line of Elm Avenue, 70.66 feet; thence North 0°30'00" West, 200.00 feet; thence North 89°45'35" West, 270.87 feet to the POINT OF BEGINNING of this description.

Including also all of the northerly one-half of 40.00 foot wide Elm Avenue and the westerly one-half of 40.00 foot wide Emerald Avenue and all immediately adjacent to the above described property.

~~SECTION 2. USES. The following uses shall be permitted in said~~

~~P-D(373) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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:~~

*Amended per Ordinance No. 34576*

~~Single-family detached rental units with related parking and storage facilities as shown on the development plan.~~

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1985, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By 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 14th day of May, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 13, 1986

ORDINANCE NO. 2332 -C.S.

AN ORDINANCE AMENDING SECTION MAP 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (FIRST INTERSTATE BANK)

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(375):

R-1 to P-D

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

East Portion:

All of Parcel A as shown on the Parcel Map filed in Book 28 of Parcel Maps, at Page 41, Stanislaus County Records, on December 21, 1978.

Including also all of the southeastern one-half of the Paradise Road right-of-way located between the original centerline and said Parcel A and the west half of 60.00 foot wide Wade Avenue and all immediately adjacent to above mentioned Parcel A.

West Portion:

All that portion of Parcel B as shown on the Parcel Maps filed in Book 28 of Parcel Maps, at Page 41, Stanislaus County Records, on December 21, 1978, and more particularly described as follows:

Commencing at the most western corner of said Parcel B, said corner being on the Southeastern right-of-way line of Paradise Road and the beginning of a curve concave to the northwest having a radius of 2,040.00 feet; thence Northeasterly along said curve through a central angle of 6°25'08" a distance of

228.54 feet; thence continuing along said southeastern right-of-way of Paradise Road and the Northern line of said Parcel B, North 50°06'17" East a distance of 660.74 feet; thence leaving the South line of Paradise Road, South 39°53'43" East a distance of 263.67 feet to the South line of said Parcel B; thence along said South line, South 89°40'20" West, 38.00 (plus or minus) feet; thence continuing along said South line South 50°06'17" West, 612.66 feet; thence continuing along said South line, South 0°00'29" East, 139.45 feet to the most Southern parcel line of aforementioned Parcel B; thence along said most Southern line, South 89°47'15" West, 205.75 feet; thence along the most Western line of Parcel B, North 39°48'44" West 228.41 feet to the point of beginning.

Including that Northern 20.00 foot portion of Peggy Lane annexed to the City of Modesto as part of the Paradise-Wade Annexation, effective August 22, 1978, and immediately adjacent to the aforementioned most Southern line of Parcel B.

Also including all of the Southeastern one-half of the Paradise Road right-of-way located between the original centerline and that portion of the above described Parcel B.

SECTION 2. USES. The following uses shall be permitted in said P-D(375) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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. Apartment complex on two separate properties.
2. Off-street parking as shown on the approved development plan.

SECTION 3. 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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1985, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Davis  
Department of Planning and  
Community Development

## Ordinance 2332 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of May, 1985, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Acting Mayor Patterson
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED** Richard Patterson  
RICHARD PATTERSON, Acting Mayor

**ATTEST:** Horrine Coyle  
HORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 20, 1985

ORDINANCE NO. 2333 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(374), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BRIGGSMORE AVENUE AND CLAUS ROAD (CLAUS/BRIGGSMORE INVESTMENTS).

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

SECTION 1. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(374):

Rezone R-1 to P-D

ALL that certain real property situate in a portion of the Northeast one quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying within the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Northwest corner of Parcel "1" as shown on that certain map filed in Volume 12 of Parcel Maps, at Page 91, Stanislaus County Records; thence North 89°35'00" East along the North line of said Parcel "1" and along the South line of Briggsmore Avenue, as shown on said map, a distance of 250.00 feet; thence South 0°48'44" East, 637.07 feet; thence North 89°19'54" West, 14.62 feet; thence South 0°40'06" West, 124.96 feet to the South line of Parcel "2" as shown on aforementioned parcel map; thence along said South line, North 89°19'54" West, 232.23 feet to the Southwest corner of said Parcel "2"; thence North 0°48'44" West along the West line of Parcels "2" and "1", 757.34 feet to the point of beginning.

Including all of Briggsmore Avenue and the South 70.00 feet of Modesto Irrigation District Lateral No. 3 that is situated between the North line of the above described property and the North line of said Section 24.

Contains 5.22 acres net.

Rezone R-2 to P-D

ALL that portion of Parcel "2" as shown on the map filed in Book 12 of Parcel Maps at Page 91, Stanislaus County Records, lying in Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of said Parcel "2", being on the West line of Claus Road; thence North  $89^{\circ}19'54''$  West, 373.17 feet, along the South line of said Parcel "2"; thence North  $0^{\circ}40'06''$  East, 124.96 feet; thence South  $89^{\circ}19'54''$  East, 420.02 feet, to the East line of said Section 24; thence South  $0^{\circ}47'00''$  East, 125.00 feet, along said East line; thence North  $89^{\circ}19'54''$  West, 50.02 feet to the point of beginning.

Contains 1.21 acres.

Rezone R-3 to P-D

ALL that certain real property situate in a portion of the Northeast one quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying within the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Northwest corner of Parcel "1" as shown on that certain map filed in Volume 12 of Parcel Maps, at Page 91, Stanislaus County Records; thence North  $89^{\circ}35'00''$  East along the North line of said Parcel "1" and along the South line of Briggsmore Avenue, as shown on said map, a distance of 250.00 feet to the point of beginning of the description; thence continuing along last named line North  $89^{\circ}35'00''$  East, a distance of 405.59 feet to the intersection with the centerline of Claus Road, as shown on said map; thence South  $0^{\circ}47'00''$  East, along said centerline, a distance of 644.75 feet to the intersection with the Easterly prolongation of a line parallel with and distant 125.00 feet Northeasterly, measured at right angles, from the South line of Parcel "2", as shown on said map; thence North  $89^{\circ}19'54''$  West along said Easterly prolonged line and said parallel line, a distance of 405.40 feet; thence North  $0^{\circ}48'44''$  West along a line parallel with and distant 250.00 feet Northeasterly, measured at right angles, from the West line of said Parcels "1" and "2", a distance of 637.07 feet to the point of beginning.

Including all of Briggsmore Avenue, South 70.00 feet of Modesto Irrigation District Lateral No. 3 and Claus Road that is situated between the North line of the above described property and the North line of said Section 24.

Contains 5.22 acres net.

and

SECTION 2. USES. The following uses shall be permitted in said P-D(374) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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:

Psychiatric institute and residential treatment center.

SECTION 3. ZONING MAP. Section Map 24-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1985, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Sutton, Whiteside,  
Acting Mayor Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Mensinger

APPROVED: Richard Patterson  
RICHARD PATTERSON, Acting Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith  
Department of Planning and  
Community Development

## Ordinance 2333 C.S.

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

Ord. No. 2333-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of May, 1985, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Acting Mayor Patterson

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

*Richard Patterson*

RICHARD PATTERSON, Acting Mayor

**ATTEST:**

*Horrine Coyle*  
HORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 20, 1985

ORDINANCE NO. 2334 -C.S.

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

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by P. E. (Dick) Lewis on March 8, 1985, to reclassify from Neighborhood Commercial Zone, C-1, to Light Industrial Zone, M-1, the hereinafter described property, and

WHEREAS, after public hearing held on April 15, 1985, it was found and determined by the Planning Commission that rezoning of the property to C-2 but not to M-1 as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 85-81, adopted on April 15, 1985, the Planning Commission recommended to the Council that Section 30-3-9 of the Zoning Map be amended to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, and

WHEREAS, by Resolution No. 85-81, adopted on April 15, 1985, the Planning Commission denied M-1, Light Industrial Zoning as requested on the hereinafter described property,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on May 21, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the recommended

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

1. C-2, General Commercial zoning will allow a more diverse group of land uses than the current C-1 Zone, including the expressly proposed auto repair garage.
2. C-2 zoning will coincide with the General Plan Map and will provide for transit-type general commercial land to serve the traveling public at this freeway-oriented area.
3. M-1 zoning would not coincide with the General Plan map.

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2:

All that certain real property situate in a portion of the east one-half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the northeast corner of Parcel 2 as shown on the parcel map recorded in Book 31 of parcel maps, at page 150, Stanislaus County Records on August 5, 1981; thence along the east line of said Parcel 2 South  $0^{\circ}32'48''$ , East 249.61 feet to the southeast corner of said Parcel 2 and the north line of future State Highway 132 as shown on the above mentioned parcel map and on the record of survey map filed in Book 12 of Surveys at page 97, Stanislaus County Records on February 24, 1972; thence along said north line South  $89^{\circ}47'$  East, 493.59 feet; thence continuing along said north line North  $83^{\circ}55'51''$  East, 328.88 feet; thence continuing along said north line North  $39^{\circ}17'14''$ , East 50.47 feet to the west right-of-way line of U. S. Freeway 99; thence along said West line North  $34^{\circ}50'54''$  West, 212.03 feet to the south line of 60.00 foot wide Kansas Avenue; thence along said south line of Kansas Avenue, North  $89^{\circ}47'15''$  West, 92.01 feet; thence continuing along said south line, North  $89^{\circ}47'$  West, 642.06 feet to the point of beginning.

Including also the south one-half of Kansas Avenue and that portion of the U.S. Freeway 99 right-of-way located between the above described property and the center divider between north and south bound lanes and all immediately adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1985, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Acting Mayor Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Richard Patterson  
~~XXXXXXXXXXXXXXXXXXXX~~  
RICHARD PATTERSON, Acting Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

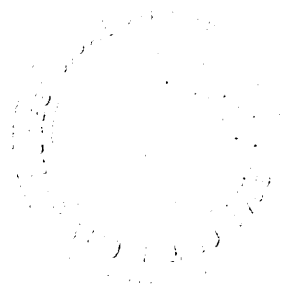
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By W.S. Nichols  
Department of Planning and  
Community Development



## Ordinance 2334 C.S.

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

Ord. No. 2334-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 28th day of May, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Morrine Coyle*  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: June 27, 1985