MODESTO CITY COUNCIL
RESOLUTION NO. 93-1

Print

A RESOLUTION AMENDING SECTIONS 2 AND 3 OF RESOLUTION NO. 76-1263 ENTITLED "A RESOLUTION GRANTING THE APPEAL OF COLLEGE WEST PROPERTIES TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED ON THE SOUTH SIDE OF BLUE GUM AVENUE AND ON THE WEST SIDE OF CARPENTER ROAD, AND APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(148)" AS PREVIOUSLY AMENDED BY RESOLUTION NO. 80-102 (WESTAR ASSOCIATES).

WHEREAS, the City Council, by Ordinance No. 1563-C.S., which was introduced on November 22, 1976, finally adopted on December 6, 1976, and which became effective on January 5, 1977, amended Section Map 24-3-8 of the Zoning Map to rezone to Planned Development Zone, P-D(148), property located on the south side of Blue Gum Avenue and on the west side of Carpenter Road for a neighborhood shopping center, a business park, and a motel-restaurant-office complex, and

WHEREAS, City Council Resolution No. 76-1263, which was adopted on November 22, 1976, approved a development plan for Planned Development Zone, P-D(148), and contained the conditions of approval thereof and the development schedule which specified construction to be in three phases, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(148), was filed by David Hanna and T. A. Saletta on October 3, 1979, to revise the previously

approved site plan, change the mixture of permitted uses, and revise the time for start of construction, and

WHEREAS, City Council Resolution No. 80-102 amended Sections 2 and 3 of Resolution No. 76-1263, revising the previously approved site plan, changing the mixture of permitted uses, and revising the timing for start of construction for Planned Development Zone, P-D(148), and

WHEREAS, the Planning Commission, by Resolution No. 80-170 approved a rephasing of the development and granted an extension to the development schedule to specify that development occur in two phases, and

WHEREAS, Ordinance No. 1915-C.S., which was introduced on February 5, 1980, finally adopted on February 19, 1980, and which became effective on March 20, 1980, amended Section 2 of Ordinance No. 1563-C.S. relating to permitted uses, and

WHEREAS, Ordinance No. 2063-C.S., which was introduced on July 14, 1981, finally adopted on July 21, 1981, and which became effective on August 20, 1981, amended Section 2 of Ordinance No. 1915-C.S. relating to permitted uses, and

WHEREAS, on February 19, 1985, the Planning Commission granted a second extension of time to the development schedule, and

WHEREAS, on April 7, 1986, the Planning Commission granted a third extension of time to the development schedule, and

WHEREAS, on June 6, 1988, the Planning Commission by Resolution No. 88-60 approved a fourth time extension to the development schedule to include one comprehensive development phase stating construction already having begun in the P-D, completion to be not later than June 6, 1993, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(148), was filed by Westar Associates on October 18, 1992, to allow C-2, General Commercial Uses as shown on the amended plot plan for the retail commercial portion of Planned Development Zone, P-D(148), adjacent to the corner of Blue Gum Avenue and Carpenter Road, and

WHEREAS, after a public hearing on December 7, 1992, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 92-56, that amendment of Planned Development Zone, P-D(148), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. That a Negative Declaration recommended by the Environmental Assessment committee in the initial study dated October 28, 1992 should be certified as adopted.

2. The proposal conforms to the General Plan in that its location is within an area designated for industrial and commercial uses and is at the intersection of two major streets.

3. The approved plot plan for the commercial center along with the conditions of approval and substitution of numerous retail shops for a large single anchor tenant will continue to ensure the compatibility of this center.

and

WHEREAS, by Resolution No. 92-56 the Planning Commission recommended to the Council that Planned Development Zone, P-D(148), be amended to allow C-2, General Commercial Uses, and review of a plot plan for the retail commercial portion of the industrial/commercial complex known as College West Business Park, property located at the southwest corner of Carpenter Road and Blue Gum Avenue, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on January 5, 1993, and

WHEREAS, after said public hearing held on January 5, 1993, in the City Council Chamber, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Westar Associates for a amendment to Planned Development Zone, P-D(148), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 92-56 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2837-C.S. on the 5th day of January, 1993, amending Sections 1 and 2 of Ordinance No. 1563-C.S. as previously amended by Ordinance Nos. 1915-C.S. and 2063-C.S., to allow C-2, general commercial uses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 76-1263 entitled "A Resolution Granting the Appeal of College West Properties to the Decision of the Planning Commission Denying Rezoning from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, Property Located on the South Side of Blue Gum Avenue and on the West Side of Carpenter Road, and Approving a Development Plan for Planned Development Zone, P-D(148)" as previously amended by Resolution No. 80-102 are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(148), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Retail Project, West Campus Business Center" as amended in red, stamped approved by the City Council on January 5, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. Screen landscaping shall be installed along a portion of the west property line of the retail commercial portion of the P-D extending north from the south leg of Cummins Drive and along the storm water retention basin to the rear service entry driveway located on the north leg of Cummins Drive. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. That the Blue Gum Avenue frontage of P-D(148) as it applies to Planning Commission Resolution No. 89-152 shall be developed to major street standards including the dedication of right-of-way to provide a 55-foot width taper south of centerline and extending westerly 300-feet from the curb return at Carpenter Road and the construction of street improvements and or as required by the Public Works and Transportation Director, including street lights.

5. That the Carpenter Road frontage of P-D(148) as it applies to Planning Commission Resolution No. 89-152 shall be developed to modified major street Standards including the dedication of right-of-way to provide a 50 to 67-foot width west of the centerline and the construction of street improvements as required by the Public Works and Transportation Director. This includes that all street lights shall be energized, and shall include a left turn lane southbound on Carpenter Road south of Cummins Drive.

6. That 10-foot-wide public utility easements shall be dedicated along all frontages of the property. Storm drain easements shall be dedicated as needed for existing lines and storm drain basin modifications.

7. That two-foot-wide planting easements shall be dedicated along all frontages of the property.

8. That payment shall be made to the City for planting of street trees along the Blue Gum Avenue, Carpenter Road and Cummins Drive frontage of the property in accordance with the provision of Section 4-4.502(g) of the Modesto Municipal Code. The number of trees for which payment is required shall be determined by the Director of Public Works and Transportation.

9. Street improvements shall be provided prior to the occupancy of any structures or not later than June 6, 1994, whichever time occurs first, as requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and

approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

11. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

12. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

13. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

14. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

15. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

16. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

17. All conditions of City Council Resolution Nos. 76-1263 and 80-102 and Planning Commission Resolution No. 81-268 not in conflict with this action shall remain in full force and effect.

18. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of

Modesto of a planned development approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(148):

That the entire construction program be accomplished in one phase, development having already begun in the P-D, construction shall be not later than June 6, 1994."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-2

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(148) PROPERTY LOCATED ON THE SOUTHWEST CORNER OF CARPENTER ROAD AND BLUE GUM AVENUE. (WESTAR ASSOCIATES)

WHEREAS, on January 5, 1993, the City Council introduced Ordinance No. 2837-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(148), property located on the southwest corner of Carpenter Road and Blue Gum Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Planned Development Zone, P-D(148), property located on the southwest corner of Carpenter Road and Blue Gum Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

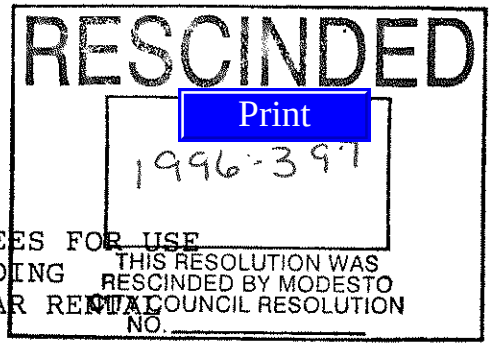
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-3

A RESOLUTION ESTABLISHING RENTAL FEES FOR USE OF THE MCHENRY MANSION, AND RESCINDING RESOLUTION NO. 87-1301. (THREE-YEAR RENTAL RATE PROGRAM)

WHEREAS, the McHenry Mansion, located at 906 Fifteenth Street, is owned by the City of Modesto, and

WHEREAS, the McHenry Mansion is a historic home which is available to rent for private or business functions, such as dinners, receptions and weddings. Due to the many antique furnishings and accessories, this facility is staffed for all functions, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for use of the McHenry Mansion to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three-year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed McHenry Museum fees, and

WHEREAS, the Council desires to increase said existing rental fees pursuant to said three-year rental rate program for use of the McHenry Mansion,

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

SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for authorized use of the McHenry Mansion shall be as follows:

		1993	1994	1995
(a)	Use of McHenry Mansion basement and first floor for 4 hours	326.00	340.00	354.00
	Each additional hour	48.00	50.00	52.00
	Use of McHenry Mansion basement and garden for 4 hours	326.00	340.00	354.00
	Each additional hour	48.00	50.00	52.00
	Use of McHenry Mansion all facilities for 4 hours	464.00	484.00	504.00
	Each additional hour	68.00	70.00	74.00
(b)	The McHenry Mansion will not be available to rent on Wednesday and Thursday afternoons and during the day on Sunday. These hours are reserved for tours.			
(c)	The McHenry Mansion is not available on a regular basis for any one group.			

SECTION 2. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994, and January 1, 1995, respectively.

SECTION 3. REPEALS. Resolution No. 87-1301 adopted by the Council of the City of Modesto on December 22, 1987, is hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Cheryl Lord
MICHAEL D. MILICH, Acting City Attorney

Clerk

RESCINDED
Print
1996-397
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-4

A RESOLUTION ESTABLISHING RENTAL FEES AND RESEARCH AND PHOTOGRAPH SERVICE FEES IN RELATION TO THE MCHENRY MUSEUM, AND RESCINDING RESOLUTION NO. 80-931. (THREE-YEAR FEE SCHEDULE)

WHEREAS, the McHenry Museum located at 1402 I Street, is owned by the City of Modesto, and

WHEREAS, the McHenry Museum is available for use by various cultural groups, organizations and individuals in the community, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed McHenry Museum fees, and

WHEREAS, City staff has recommended a three-year fee schedule relating to the McHenry Museum, and

WHEREAS, the basis for the three-year fee schedule is to generate revenue to cover a portion of all operating expenses at the end of said three-year period, and

WHEREAS, the Council desires to approve said three-year fees schedule relating to the McHenry Museum,

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

SECTION 1. FEES. The three-year fees to be charged in relation to the McHenry Museum shall be as follows:

	1993	1994	1995
Auditorium			
First 2 hours	$ 26.00	$ 32.00	$ 38.00
Each additional hour	8.00	8.00	8.00
Research for Individuals and Businesses			
Per Hour	42.00	44.00	46.00
Preparation of Photographs for use by Individuals and Businesses			
Per Hour	42.00	44.00	46.00
Receptions			
Per 4 hours	520.00	542.00	546.00

SECTION 2. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994, and January 1, 1995, respectively.

SECTION 3. REPEALS. Resolution No. 80-931 adopted by the Council of the City of Modesto on September 2, 1980, is hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

Clerk

RESCINDED

1996-3 Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-5

A RESOLUTION ESTABLISHING RENTAL FEES FOR USE OF ROOMS AND FACILITIES IN THE MODESTO COMMUNITY SERVICE CENTER, AND RESCINDING RESOLUTION NO. 87-1297 (THREE-YEAR RENTAL RATE PROGRAM).

WHEREAS, the City of Modesto owns property located at 800 East Morris Avenue which is used as the Modesto Community Service Center, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for use of rooms and facilities in said Modesto Community Service Center to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed Modesto Community Service Center fees, and

WHEREAS, the Council desires to increase said existing rental fees pursuant to said three-year rental rate program for use of rooms and facilities in said Modesto Community Service Center,

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

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

		1993	1994	1995
A.	Classrooms Per 4 hours	$24.00	$30.00	$38.00
B.	Auditorium Per 4 Hours	50.00	52.00	54.00
C.	Auditorium and Kitchen Per 4 Hours	64.00	66.00	70.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation Director; rental fees for uses on a recurring basis shall be paid in advance on or before the first day of each month; rental fees for one time uses shall be paid in advance of each use.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

SECTION 4. REPEALS. Resolution No. 87-1297 adopted by the Council on December 22, 1987, is hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-6

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE USE OF JOHN THURMAN FIELD, ESTABLISHING CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE USE THEREOF, AND RESCINDING RESOLUTION NO. 87-1296. (THREE-YEAR RENTAL RATE PROGRAM)

WHEREAS, from time to time, the City receives requests for permission to use John Thurman Field, formerly called Del Webb Field, for special events, and

WHEREAS, the Council finds it desirable that permission for these uses be handled administratively, and

WHEREAS, Section 12-3.03 of the Modesto Municipal Code authorizes the Council by resolution to control and regulate the use of John Thurman Field, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for use of John Thurman Field to generate sufficient revenue to cover one hundred percent of all operating expenses related to the provision of this service at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed John Thurman Field fees, and

WHEREAS, the Council desires to increase said existing rental fees pursuant to said three-year rental rate program for use of John Thurman Field,

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

SECTION 1. GRANTING OF PERMITS. The Parks and Recreation Director is hereby authorized to grant permits to persons and organizations which submit requests for use of said John Thurman Field in writing to the Parks and Recreation Director. All such requests shall be approved or denied by the Director subject to the conditions herein specified, provided the requested use will not interfere with the primary use of the field for professional baseball. Any person excepting to the denial of his/her request by the Parks and Recreation Director may appeal the decision to the Council in accordance with the provisions of Chapter 4 of Title I of the Modesto Municipal Code.

SECTION 2. FEES FOR USE. Except as hereinafter set forth, those persons and organizations granted permission to use John Thurman Field shall be required to pay fees based on actual attendance at each activity or event carried on or held in John Thurman Field. The three-year rental rate program fees to be charged for use of John Thurman Field shall be as follows:

	1993	1994	1995
Under 1,000 attendance			
First 4 hours	$350.00	$416.00	$454.00
Each additional hour	34.00	36.00	38.00
Over 1,000 attendance			
First 4 hours	520.00	584.00	618.00
Each additional hour	34.00	36.00	38.00

Said fees shall be paid to the Parks and Recreation Director.

Exception:

If the activity is managed and carried on wholly by a non-profit institution or organization for the benefit of charitable, religious, or benevolent purposes, and if such non-profit institution or organization will derive, both directly and indirectly, any and all profits to be derived from such activity, then the fees imposed by this section shall be waived; but no person, firm, or corporation engaged in the business of conducting any such activity shall be relieved of the fees imposed by this section solely by reason of the sponsorship of such activity by an institution or organization which might itself be exempt from such fees.

SECTION 3. ADVANCE DEPOSIT. Based upon prior use of John Thurman Field by the persons and organizations which request permits under the provisions of this resolution, advance deposits shall be paid to the Parks and Recreation Director for the use of said John Thurman Field. The amount of these advance deposits shall be determined in each case by the Parks and Recreation Director based upon prior use of the field by such persons and organizations and shall be paid to the Parks and Recreation Director prior to the time the permit is granted for such use.

SECTION 4. RULES AND REGULATIONS. The granting of permits for the use of John Thurman Field (hereinafter referred

to as the "facility") shall be subject to the following rules and regulations:

(a) The facility is available and adequate for the requested use on the date requested.

(b) Requests shall be presented in writing to the City of Modesto Parks and Recreation Department far enough in advance of the proposed use so that reservations may be completed and confirmed two weeks prior to the use of the facility.

(c) User agrees, at user's own cost and expense, to indemnify, defend and hold the City, its agents, officers and employees harmless from any and all liability for bodily injuries, property damage and costs and charges of any kind or character arising out of or relating to or in any way connected with the exercise of said permit, and to reimburse the City for any damage directly or indirectly occurring to the facility resulting from or arising out of use of said facility.

(d) User shall acquire and maintain during the life of the permit Comprehensive General Liability Insurance policy(s) with a Broad Form Comprehensive endorsement to cover the liability assumed by user pursuant to the indemnity agreement required by subparagraph (c) above. The limits of such insurance shall be as follows:

Five Hundred Thousand and no/100ths ($500,000.00) Combined single limits per occurrence for bodily injury, personal injury and property damage.

The policy(s) of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the user by the indemnity clause required by subparagraph (c) above, and shall contain a provision that such policy(s) may not be cancelled except after ten (10) days notice in writing to the City Clerk.

User shall furnish the Parks and Recreation Director with a certificate(s) of insurance as evidence of the required insurance, and fully covering the period of the permit.

(e) A key deposit of $25.00 will be charged for all keys issued. Failure to return the keys to the Parks and Recreation Department within 48 hours after the close of the activity will constitute adequate grounds for the denial of future use of this facility and forfeiture of the key deposit, and does not relieve the person responsible of the obligation to return any such keys in his/her possession.

(f) If lights are desired during the activity, the user shall be responsible for having the power turned on by the Modesto Irrigation District. All power bills shall be paid by the person or organization using the lights. If the activity takes place during the baseball season, the user shall make arrangements with the professional baseball team that uses John Thurman Field for the use of the lights, and shall pay for the use of the lights before a permit will be issued.

(g) The person or organization proposing to use the facility, and a representative of the Parks and Recreation Department shall together inspect the area 24 hours before the activity is to take place.

(h) No user shall carry on any activity which will be injurious to the facility.

(i) All users must clear the facility, lock the gates and doors, turn off all lights, and vacate the premises, including the parking lot, by midnight, unless other arrangements have been made and approved by the Parks and Recreation Director.

(j) Users shall, at their own expense, supply any additional equipment necessary to carry on the proposed activity. Existing facilities at the field may be used in conjunction with the approved activity. Any alterations to the existing facilities must be cleared with the Parks and Recreation Director prior to the use of the facility, and the facility shall be restored to its original status immediately after the activity has ended.

(k) Arrangements for concession facilities must be made with the professional baseball team that uses John Thurman Field.

(l) Arrangements for police protection of the area inside and outside of the facility shall be made in advance of the activity. All fire regulations shall be observed. No car or other obstruction shall be permitted around any exit gates or the

area between the main ticket booth and the main entrance to the field. Cars must be parked in the parking lot in an orderly fashion, and in such a way as to permit emergency vehicles to gain entrance to any and all parts of the field.

(m) Users shall make arrangements for clean-up of the facility immediately after the activity, and the premises shall be left in a clean and orderly condition. Upon failure to do so, the City will order the field cleaned and bill the user; and this shall be considered sufficient grounds to deny future use of the facility by such user.

(n) User shall also comply with the rules and regulations governing the use of John Thurman Field as set forth in Section 12-3.02 of the Modesto Municipal Code.

SECTION 5. FURNISHING PERMITS. The Parks and Recreation Director shall furnish user with a copy of the permit, setting forth the terms and conditions of the permit. The Director shall not issue a permit until he/she has been furnished with the certificate of insurance required by this resolution. User shall be required to sign a copy of the permit which shall be maintained on file in the Parks and Recreation Department and no right shall be conferred by any permit authorized under this resolution until said written consent to the terms and conditions of the permit is executed by the user.

SECTION 6. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that

the rental fees provided in Section 2 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994, and January 1, 1995, respectively.

SECTION 7. REPEALS. Resolution No. 87-1296, adopted by the Council on December 22, 1987, is hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

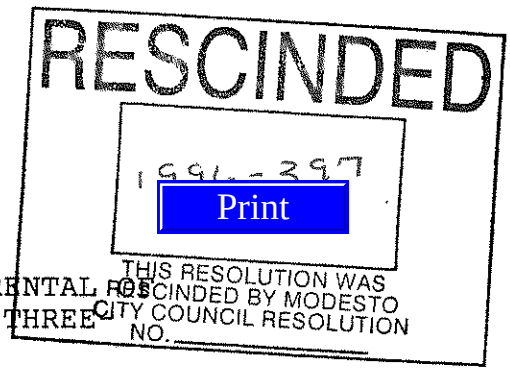
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-7

A RESOLUTION ESTABLISHING FEES FOR RENTAL OF THE PORTABLE PUBLIC ADDRESS SYSTEM (THREE YEAR RENTAL RATE PROGRAM).

WHEREAS, the City of Modesto owns a portable public address system, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for the portable public address system generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed portable public address system fees, and

WHEREAS, the Council desires to increase said existing rental fees pursuant to said three-year rental rate program,

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

SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for use of the portable public address system shall be as follows:

	1993	1994	1995
Portable Public Address System			
1st 2 hours	$50.00	$52.00	$54.00
Each additional hour	14.00	16.00	18.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation Director; rental fees for uses on a recurring basis shall be paid in advance.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

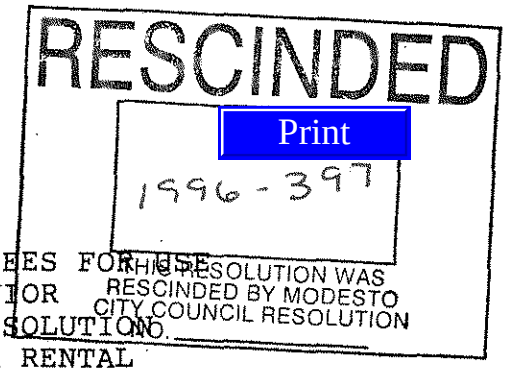
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-8

A RESOLUTION ESTABLISHING RENTAL FEES FOR USE OF ROOMS AND FACILITIES IN THE SENIOR CITIZENS CENTER, AND RESCINDING RESOLUTION NOS. 87-1300 AND 90-33 (THREE-YEAR RENTAL RATE PROGRAM).

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

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for use of rooms and facilities in said Senior Citizens Center to generate revenue to cover a portion of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed Senior Citizens Center fees, and

WHEREAS, the Council desires to increase said existing rental fees pursuant to said three-year rental rate program for use of rooms and facilities in said Senior Citizens Center,

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

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

	1993	1994	1995
Conference Room			
Per 4 Hours	$22.00	$34.00	$ 48.00
Entire Facility			
Except Friday & Saturday Evenings			
Per 4 Hours	32.00	44.00	54.00
Each Additional 2 Hours	16.00	22.00	28.00
Friday & Saturday Evenings	76.00	90.00	100.00
Auditorium			
Except Friday & Saturday Evenings			
First 4 Hours	26.00	38.00	50.00
Each Additional Hour	14.00	16.00	18.00
Friday & Saturday Evenings	70.00	74.00	76.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation Director; rental fees for uses on a recurring basis shall be paid in advance on or before the first day of each month; rental fees for one time uses shall be paid in advance of each use.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994, and January 1, 1995, respectively.

SECTION 4. REPEALS. Resolution Nos. 87-1300 and 90-33 are hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

Clerk

RESCINDED

Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-9

A RESOLUTION ESTABLISHING FEES FOR RENTAL OF GROUP PICNIC SHELTERS (THREE-YEAR RENTAL RATE PROGRAM).

WHEREAS, the City of Modesto owns group picnic shelters, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for group picnic shelters to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed group picnic shelters fees, and

WHEREAS, the Council desires a three-year rental rate program for rental of group picnic shelters,

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

SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for use of the group picnic shelters shall be as follows:

	1993	1994	1995
Group Picnic Shelters Per Section	$26.00	$40.00	$52.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation

Director; rental fees for uses on a recurring basis shall be paid in advance.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

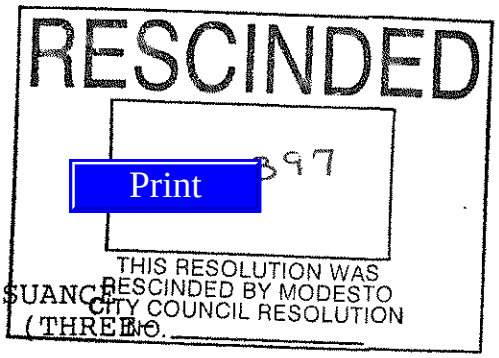
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Gary L. Dahl
MICHAEL D. MILICH, Acting City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-10

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF PERMIT FOR SALES ADJACENT TO PARKS (THREE-YEAR RATE PROGRAM).

WHEREAS, City staff has recommended a three-year rate program for establishing fees for the issuance of permit for sales adjacent to parks to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the Council desires a three-year rate program for issuance of permit for sales adjacent to parks, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed issuance of permit for sales adjacent to parks fees,

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

SECTION 1. FEES. The three-year rate program fees to be charged for the issuance of permit for sales adjacent to parks shall be as follows:

	1993	1994	1995
Permit for Sales Adjacent to Parks			
January 1 - June 30 or July 1 - December 31	$12.00	$13.00	$14.00
Renewal - same calendar year	6.00	7.00	8.00

SECTION 2. PAYMENT OF FEES. All fees set forth above shall be paid to the Parks and Recreation Director.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-11

A RESOLUTION ESTABLISHING RENTAL FEES FOR USE OF BALLFIELDS AND FOR SPECIAL BALLFIELD SERVICES. (THREE-YEAR RENTAL RATE PROGRAM)

WHEREAS, from time to time, the City receives requests for permission to use City ballfields and for special ballfield services, and

WHEREAS, the Council finds it desirable that permission for these uses be handled administratively, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for use of City ballfields and for special ballfield services to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed ballfields and special ballfield services fees, and

WHEREAS, the Council desires a three-year rental rate program for use of ballfields and for special ballfield services,

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

SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for use of ballfields and special ballfield services shall be as follows:

RESCINDED
1996-397
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____
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	1993	1994	1995
Ballfields			
Without Lights Per 2 Hours	$10.00	$18.00	$28.00
With Lights Per 2 Hours	16.00	24.00	32.00
Line & Drag Per Field	30.00	32.00	34.00
Tournaments Per Field	30.00	32.00	34.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation Director.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 1, 1993, except that the fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994, and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. ____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-12

A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF PERMIT FOR USE OF PARKS FOR COMMERCIAL FILMING (THREE-YEAR RATE PROGRAM).

WHEREAS, City staff has recommended a three-year rate program for establishing fees for the issuance of permit for use of parks for commercial filming to generate sufficient revenue to cover one hundred percent of all operating expenses related to the provision of this service at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed issuance of permit for use of parks for commercial filming fees, and

WHEREAS, the Council desires a three-year rate program for the issuance of permit for use of parks for commercial filming,

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

SECTION 1. FEES. The three-year rate program fees to be charged for the issuance of permit for use of parks for commercial filming shall be as follows:

	1993	1994	1995
Commercial Filming Permit			
First 2 Hours	$152.00	$158.00	$166.00
Each Additional Hour	42.00	44.00	46.00

SECTION 2. PAYMENT OF FEES. All fees set forth above shall be paid to the Parks and Recreation Director.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

RESCINDED
19 Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-13

A RESOLUTION ESTABLISHING FEES FOR RENTAL OF THE PORTABLE STAGE (THREE-YEAR RENTAL RATE PROGRAM).

WHEREAS, the City of Modesto owns a portable stage, and

WHEREAS, City staff has recommended a three-year rental rate program for establishing rental fees for the portable stage, and

WHEREAS, the basis for the three-year rental rate program is to generate sufficient revenue to cover one hundred percent of all operating expenses related to the provision of this service at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed portable stage fee, and

WHEREAS, the Council desires to establish rental fees pursuant to said three-year rental rate program,

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

SECTION 1. RENTAL FEES. The three-year rental rate program fees to be charged for use of the portable stage shall be as follows:

	1993	1994	1995
Portable Stage			
Without Top			
Weekdays	$312.00	$326.00	$340.00
Weekends, Holidays	382.00	398.00	416.00
With Top & Bunting			
Weekdays	642.00	660.00	688.00
Weekends, Holidays	764.00	796.00	830.00
Out-of-Town Rental	actual cost	actual cost	actual cost
Travel			
Per Hour	109.00	114.00	120.00

SECTION 2. PAYMENT OF RENTAL FEES. All rental fees set forth above shall be paid to the Parks and Recreation Director; rental fees for uses on a recurring basis shall be paid in advance.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the rental fees provided in Section 1 hereof for the years 1994 and 1995 shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-14

A RESOLUTION ESTABLISHING FEES FOR SPECIAL USE OF PARKS AND FACILITIES (THREE-YEAR RATE PROGRAM).

WHEREAS, City staff has recommended a three-year rate program for establishing fees for special use of parks and facilities to generate sufficient revenue to cover one hundred percent of all operating expenses related to the provision of this service at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed special use of parks and facilities fees, and

WHEREAS, the Council desires a three-year rate program for special use of parks and facilities,

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

SECTION 1. FEES. The three-year rate program fees to be charged for special use of parks and facilities shall be as follows:

	1993	1994	1995
Special Use of Parks and Facilities	Based on an estimate of actual costs of service		

SECTION 2. PAYMENT OF FEES. All fees set forth above shall be paid to the Parks and Recreation Director.

SECTION 3. EFFECTIVE DATE. The provisions of this resolution shall become effective on January 5, 1993, except that the fees provided in Section 1 hereof for the years 1994 and 1995

shall not become effective until January 1, 1994 and January 1, 1995, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

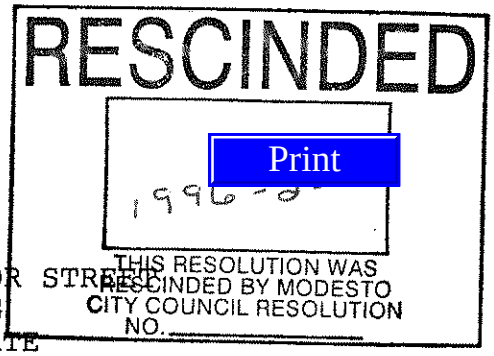
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-15

A RESOLUTION ESTABLISHING CHARGES FOR STREET TREES IN SUBDIVISIONS AND RESCINDING RESOLUTION NO. 92-270 (THREE-YEAR RATE PROGRAM).

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code authorizes the Council by resolution, to establish charges for street trees required in subdivisions, and

WHEREAS, City staff has recommended a revision in the fee to plant each street tree to generate sufficient revenue to cover one hundred percent of all operating expenses at the end of said three year period, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed street trees in subdivisions fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Section 4-4.803.1 of the Modesto Municipal Code, that for each street tree required to be planted in a subdivision the fee shall be:

From January 5, 1993 through December 31, 1993:
Seventy-five and no/100ths ($75.00) dollars.

From January 1, 1994 through December 31, 1994:
Seventy-eight and no/100ths ($78.00) dollars.

From January 1, 1995 through December 31, 1995:
Eighty-two and no/100ths ($82.00) dollars.

BE IT FURTHER RESOLVED that Resolution No. 92-270 adopted by the Council on May 19, 1992, is hereby rescinded effective January 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-16

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A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF EMERGENCY GENERATORS AT WELLS 33 AND 39

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

SECTION 1. The plans and specifications for the installation of emergency generators at Wells 33 and 39 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 26, 1993 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-17

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING SEVEN NEW POLICE MOTORCYCLES

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

SECTION 1. The plans and specifications for furnishing seven new Police motorcycles copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 1, 1993, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-18

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE RUMBLE ROAD LIFT STATION REHABILITATION, AND OPENED IN THE OFFICE OF THE CITY CLERK ON OCTOBER 29, 1992

WHEREAS, Resolution No. 92-549, adopted by the Council of the City of Modesto on October 6, 1992, approved the plans and specifications for the Rumble Road lift station rehabilitation project and authorized the call for bids; and

WHEREAS, the bids received for the Rumble Road lift station rehabilitation project were opened at 11:00 a.m. on October 29, 1992; and

WHEREAS, of the three bids received for the project, the lowest amount was 74.5% above the engineer's estimate, and it is staff's recommendation that bids be rejected, the scope of the project be reduced, and the project be bid as an informal project since the estimate for the new project will be less than $20,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Rumble Road lift station rehabilitation project, opened in the office of the City Clerk on October 29, 1992, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-19

A RESOLUTION ACCEPTING THE ANNUAL SEWER REHABILITATION OF BLOCK NO. 1 - SANITARY SEWER AND STORM DRAIN REPLACEMENT AND CONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the annual sewer rehabilitation of Block No. 1 - sanitary sewer and storm drain replacement and construction has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated July 7, 1992.

NOW, THEREFORE, BE IT RESOLVED that the annual sewer rehabilitation of Block No. 1 - sanitary sewer and storm drain replacement and construction be accepted from said contractor, Joe Martin Pipeline, Inc.

;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $33,414.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 19 93, by Councilmember Bird, who moved its adoption,w hich motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-20

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS THAT ZONING USE PERMIT NO. 92-23, BY MARTIN DAVID, AS REVISED, FOR A GOLF DRIVING RANGE WITHOUT ANCILLARY COMMERCIAL FACILITIES BE APPROVED ON PROPERTY ON THE NORTH SIDE OF BANGS AVENUE EAST OF DALE ROAD IN THE CITY'S URBAN RESERVE AREA.

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, pursuant to the Modesto-County agreement, the City Council reviews Conditional Use Permits for new uses (other than for churches and agricultural uses), and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, Martin David previously filed Use Permit Application No. 92-23 with the County of Stanislaus for a proposed golf driving range with volleyball, restaurant/retail store facilities on property located on the north side of Bangs Avenue east of Dale Road in the City's Urban Reserve Area as designated in the General Plan, and

WHEREAS, on November 24, 1992, by Resolution No. 92-645 the City Council recommended denial of said proposed golf driving range with volleyball, and restaurant/retail store facilities due to the project's incompatibility with the future Business Park use of the area, and

WHEREAS, the applicant has amended his application deleting from his proposal all facilities except the golf driving range and a mobile office/restroom, and

WHEREAS, the proposed project is within an area which the Council has directed the General Plan Steering Committee to consider for a Phase 1 Business Park, and

WHEREAS, City staff has found that applicant's revised golf driving range proposal represents a purely open-space/ recreational land use without extensive building investment and can be construed as temporary, and

WHEREAS, at such time as intensive development occurs in said area, applicant's subject property will be expected to comply with compatible Business Park development,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus that Conditional Use Permit No. 92-23, as revised, be approved on the basis of its compatibility with the future Business Park use of the area.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

01/05/93--CA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-21

A RESOLUTION APPOINTING PETER SMITH TO THE CULTURE COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Culture Commission for the respective term as indicated:

Peter Smith
3436 Beckwith Road
Modesto, Ca. 95358
Term to expire 1/1/97

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-22

Print

A RESOLUTION AUTHORIZING THE PURCHASE OF THE SERVICE OF REMOVING AND RECYCLING WASTEWATER BIOSOLIDS FROM BRISCO ENTERPRISES

WHEREAS, as authorized by Resolution No. 92-589, adopted on October 20, 1992, the Wastewater Treatment Plant issued a request for proposal to six vendors who have the capability of performing the required services; and

WHEREAS, of the four vendors who responded with a proposal, Brisco Enterprises of Tahoe City, California had the lowest bid in the amount of $195,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of the service of removing and recycling wastewater biosolids from Brisco Enterprises for the total price of $195,000 is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-23

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND APPROVING THE USE OF A REQUEST FOR PROPOSALS PROCESS TO PROCURE A FIRM TO PROVIDE ADVERTISING AGENCY SERVICES FOR THE CITY'S PUBLIC TRANSPORTATION SYSTEM

WHEREAS, the existing contract for providing advertising agency services for the Modesto Area Express/MAX, expires June 30, 1993; and

WHEREAS, in addition to general advertising of the MAX system, the agency awarded this contract will be primarily responsible for promoting the Transportation Center opening and publicizing the most significant bus route revision to occur in several years, both anticipated to occur during the summer of 1993; and

WHEREAS, staff feels the Request for Proposals process will encourage a greater variety of proposals and allow the Council more flexibility in selecting a contractor than does the low bid process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the procurement of a firm to provide advertising agency services for the City's public transportation system is hereby waived.

BE IT FURTHER RESOLVED that the use of a Request for Proposals to procure a firm to provide advertising agency services for the City's public transportation system is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-24

Print

A RESOLUTION REVISING THE "CITY OF MODESTO FIRST RESPONDER EMERGENCY MEDICAL SYSTEM PROGRAM" POLICY STATEMENT

WHEREAS, on September 27, 1988, the Council of the City of Modesto, adopted Resolution No. 88-739, entitled, "City of Modesto First Responder E.M.S. Program" policy statement; and

WHEREAS, because there have been problems when requests are received through the 911 system from nursing facilities in Modesto, the Fire Department is proposing to change the dispatch policy to not respond to medical emergencies in skilled nursing facilities unless there is a confirmed cardiac arrest, the facility specifically requests that the Fire Department respond, or ambulance personnel who are on the scene request that the Fire Department respond.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby approve a revision to the "City of Modesto First Responder E.M.S. Program" Policy Statement, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO

"FIRST RESPONDER"
E.M.S. PROGRAM

The City of Modesto "First Responder" Program is designed to provide the nearest medically trained unit to the scene of those medical emergencies that require assistance the shortest amount of time.

Program Mission Statement

To provide the inhabitants of the City of Modesto with rapid, professional, efficient, and effective service to field medical emergencies that require assistance.

Program Description

The City of Modesto currently has a tiered first responder emergency medical response system that includes two ambulance company providers, the Modesto Fire Department, and the Modesto Police Department. The goal of the system is to respond the closest available trained medical help to the scene of a medical emergency in the shortest possible amount of time. Since the public agencies are trained in Basic Life Support and the private providers are trained in Advanced Life Support, it is also critical that ambulances are adequately and properly deployed within the system in Modesto. Currently there are four to six private provider Advanced Life Support ambulance units located in the City of Modesto that serve the First Responder System.

The First Responder Program is referred to as a "tiered" Program because of the involvement of three agencies and two levels of training - BLS (Basic Life Support) and ALS (Advanced Life Support). The major goal of the program is to reduce mortality and morbidity of injured citizens prior to receiving hospital treatment.

Program Policies

To respond to any medical condition or accident causing injury which requires immediate attention to prevent added disability or loss of life.

To interface with other agencies to deliver expedient, quality emergency care while avoiding duplication of service and private provider subsidies.

To maintain a well trained, equipped, and adequately deployed organization that will achieve the mission.

To work with state and county emergency medical services boards, commissions, and committees to ensure that program policies, procedures, and training are current and supportive of the mission.

Program Coordination

The First Responder Program is coordinated by the Fire Department. Although there is no statutory or regulatory authority over other participating agencies, cooperation is obtained for program standardization through the activities of a policy committee - the First Responder Policy Task Force - and an operations review committee - the First Responder Sub-Task Force. Representation on the two committees is as follows:

First Responder Policy Task Force

City of Modesto Fire Chief - Chairman
City of Modesto Police Chief
Director of Stanislaus County Health Services
Director of Regional Emergency Medical Services
Representative of Mobile Life Support Ambulance
Representative of Doctors Ambulance
Director of Stanislaus County Communications

First Responder Sub-Task Force

Representative of Modesto Fire Department
Representative of Modesto Police Department
Representative of Regional Emergency Medical Services
Representative of Mobile Life Support Ambulance
Representative of Doctors Ambulance
Representative of Stanislaus County Communications
Representative of Ambulance Communications

In addition, liaison representation is made to the EMRB and the Pre-Hospital Care Committee.

Operational Procedures

Field operational procedures will be developed and promulgated by the First Responder Sub-Task Force, reviewed and acted upon by the First Responder Policy Task Force in accordance with state and federal laws.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-25

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,000 FROM CONTINGENCY RESERVE FOR THE SCENIC DRIVE BICYCLE LANES

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

FROM:	CFF Air Quality Contingency Reserve (143 800 8000 8003)	$5,000
TO:	Scenic Drive Bicycle Lane (143 430 C237 6040)	$5,000

With the construction of Johansen High School, there has been an influx of student ridership along Scenic Drive. The provision of a bicycle lane will allow for safer bicycle travel along Scenic Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th **day of** January **1993, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-26

A RESOLUTION DECLARING THAT A PERSON PERFORMING VOLUNTARY SERVICE FOR THE CITY OF MODESTO SHALL BE DEEMED AN EMPLOYEE OF THE CITY OF MODESTO FOR PURPOSES OF DIVISION 4 OF THE CALIFORNIA LABOR CODE WHILE PERFORMING SUCH SERVICE.

WHEREAS, there are persons who perform voluntary service without pay for the City of Modesto, and

WHEREAS, such persons who perform voluntary service without pay for the City of Modesto may be injured in the course of said voluntary service, and

WHEREAS, California Labor Code Section 3363.5 permits the Modesto City Council to declare by adoption of a resolution that a person who performs voluntary service for the City of Modesto be deemed an employee of the City of Modesto for purposes of Division 4 of the California Labor Code while performing such service, and

WHEREAS, the Modesto City Council finds that it would be desirable to declare by adoption of a resolution that a person who performs voluntary service for the City of Modesto be deemed an employee of the City of Modesto for purposes of Division 4 of the California Labor Code, while performing such service,

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby declares, pursuant to Section 3363.5 of the California Labor Code, that a person who performs voluntary service for the City of Modesto shall be deemed to be an employee of the City of Modesto for purposes of Division 4 of the California Labor Code while performing such service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-27

Print

A RESOLUTION ACCEPTING THE BID OF RICKER MACHINERY CO. FOR FURNISHING TWO STREET SWEEPERS

WHEREAS, Resolution No. 92-681 , adopted by the Council of the City of Modesto on December 15 , 1993, approved the plans and specifications for furnishing two street sweepers

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two street sweepers

were opened at 11:00 a.m. on January 4, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Ricker Machinery Co. in the amount of $217,289

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ricker Machinery Co. in the amount of $217,289 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-28

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING ON KANSAS AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of traffic signals and street lighting on Kansas Avenue has been completed by Wingard Engineering in accordance with the contract agreement dated May 12, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of traffic signals and street lighting on Kansas Avenue be accepted from said contractor, Wingard Engineering; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $80,846 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-29

Print

A RESOLUTION ACCEPTING THE ALLEY PAVING PROJECT NO. 17 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the alley paving Project No. 17

has been completed by Ragsdale and Son, Inc.
in accordance with the contract agreement dated August 11, 1992 .

NOW, THEREFORE, BE IT RESOLVED that the alley paving project No. 17

be accepted from said contractor, Ragsdale and Son, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $75,159.30 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Do-bs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-30

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 52 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the construction of Pump Station No. 52

has been completed by Conco West, Inc.
in accordance with the contract agreement dated May 12, 1992 .

NOW, THEREFORE, BE IT RESOLVED that the construction of Pump Station No. 52

be accepted from said contractor, Conco West, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $139,475 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-31

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF INTERCONNECT CONDUIT ON STANDIFORD/SYLVAN AVENUE AND BRIGGSMORE AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue has been completed by Richard A. Heaps Electrical Contractor, Inc. in accordance with the contract agreement dated June 16, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of interconnect conduit on Standiford/Sylvan Avenue and Briggsmore Avenue be accepted from said contractor, Richard A. Heaps Electrical Contractor, Inc. that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $352,878.14 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-32

A RESOLUTION REJECTING ALL BIDS FOR THE WATER AND SEWER FORCE MAIN UNDER STATE ROUTE 99 NEAR PELANDALE AVENUE PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON DECEMBER 17, 1992

WHEREAS, Resolution No. 92-642, adopted by the Council of the City of Modesto on November 24, 1992, approved the plans and specifications for a water/sewer bore and jack project across State Route 99 near Pelandale Avenue, and authorized the call for bids; and

WHEREAS, the bids received for the water/sewer bore and jack project across State Route 99 were opened at 11:00 a.m. on December 17, 1992; and

WHEREAS, the apparent low bidder has claimed an error in his bid proposal and has requested that he be relieved from his bid; and

WHEREAS, the developer has approached Caltrans about the developer acting as the project proponent, which Caltrans has agreed to.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the water/sewer bore and jack project across State Route 99 near Pelandale Avenue, opened in the office of the City Clerk on December 17, 1992, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-33

A RESOLUTION REVOKING THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO CITY CAB COMPANY.

WHEREAS, the City of Modesto previously has issued Certificates of Public Convenience and Necessity to City Cab Company, and

WHEREAS, City Cab Company has been in the taxi business in Modesto for eight and one-half years, and

WHEREAS, during these eight and one-half years City Cab Company has violated several provisions of the Modesto Municipal Code relating to business operations, the most serious ones being operating taxicabs without proper certification and proper insurance, and

WHEREAS, operating taxicabs without certification and insurance may endanger the well-being of the passengers as well as the general public on the streets and also potentially increases the liability for the City of Modesto, and

WHEREAS, after repeated notices from City staff, City Cab Company has failed to correct the situation and therefore City staff recommends revoking City Cab Company's Certificates of Public Convenience and Necessity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Certificates of Public Convenience and Necessity issued to City Cab Company are hereby revoked.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-34

A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT WITH THE COMFORT INN DEVELOPER FOR UNUSUAL COSTS TO INSTALL SEWER AND WATER IMPROVEMENTS TO THE COMFORT INN SITE ON SALIDA BOULEVARD AT HIGHWAY 99

WHEREAS, the Developer (Raman and Usha Patel) is proceeding with development of the Comfort Inn site located on Salida Boulevard south of Pelandale Avenue and adjacent to Highway 99, and has asked the City to share 25% of the costs of a sewer lift station, water and sewer jack and bore across Highway 99, and 630 linear feet of sewer in Sisk Road; and

WHEREAS, staff is supportive of the Developer's request for City participation in their improvements, which are required to develop the site, because of the isolated location of the site, the distance to existing utilities, the jack and bore across State Highway 99, and the sewer lift station, which have created unusual costs for the Developer.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the reimbursement agreement with the Comfort Inn Developer for unusual costs to install sewer and water improvements to the Comfort Inn site on Salida Boulevard at Highway 99 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-35

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $35,324 FROM CONTINGENCY RESERVE TO INSTALL SANITARY SEWER MAIN SEWER LIFT STATION AT THE COMFORT INN SITE ON SALIDA BOULEVARD AT HIGHWAY 99

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

FROM:	Sewer Contingency Reserve (621 800 8000 8003)	$35,524
TO:	Extend Sewers/Perimeter Sewers (621 480 C333 6040)	$35,524

The Developer is installing a sanitary sewer main, sewer lift station, water mains, and jack and bore across Highway 99 in conjunction with development of the Comfort Inn at Salida Blvd. at Highway 99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th **day of** January **1993, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST:_____

NORRINE COYLE, City Clerk

11

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-36

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $12,714 TO INSTALL WATERLINES AT THE COMFORT INN SITE ON SALIDA BOULEVARD AT HIGHWAY 99

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

FROM:	Waterline in Glenn Avenue (612 480 C161 6040)	$12,714
TO:	Comfort Inn Waterline (612 480 C210 6040)	$12,714

The Developer is installing a sanitary sewer main, sewer lift station, water mains, and jack and bore across Highway 99 in conjunction with development of the Comfort Inn at Salida Blvd. at Highway 99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-37

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR AN ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

WHEREAS, this project is being federally funded, and as part of the requirements to be satisfied, the California Department of Transportation (CALTRANS) which administers the funds, requires that we submit a right of way certification.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for an Advanced Traffic Management System (ATMS) project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO.93-38

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Equipment Maintenance Supervisor I

Equipment Maintenance Supervisor II

The specifications for the classification of Equipment Maintenance Supervisor I (Range 428), as shown on the attached Exhibit "A", and Equipment Maintenance Supervisor II (Range 434), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and

made a part of the Position Classification Plan of the City of Modesto.

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

Firefighter/Firefighter Trainee

Fire Engineer

Fire Captain

Building Maintenance Supervisor

Industrial Waste Supervisor

The revised specifications for the classification of Firefighter/Firefighter Trainee, as shown on the attached Exhibit "C", Fire Engineer, as shown on the attached Exhibit "D", Fire Captain, as shown on the attached Exhibit "E", Building Maintenance Supervisor, as shown on the attached Exhibit "F", and Industrial Waste Supervisor, as shown on the attached Exhibit "G", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after January 19, 1993

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

01/13/93--CA

CITY OF MODESTO
No. 2754

JANUARY 1993

EQUIPMENT MAINTENANCE SUPERVISOR I

DEFINITION

To assign, supervise, and participate in the preventive maintenance and repair program for City vehicles and equipment; and to provide staff assistance to higher level supervisory staff.

DISTINGUISHING CHARACTERISTICS

This is the first level within the Equipment Maintenance Supervisor classification.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Equipment Maintenance Supervisor II.

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

Establishes daily work priorities; inspects and evaluates equipment and prepares work orders.

Resolves a variety of routine personnel and related administrative matters.

Inspects and evaluates work before, during, and after completion to assure work is completed in a satisfactory and thorough manner.

Provides technical assistance to staff; identifies problem areas and directs remedial action.

Instructs and provides for the training of staff in work methods, use of tools, and equipment and relevant safety precautions.

Maintains time, material, and equipment use records.

May test equipment on completion of work.

Responds to emergency situations as necessary.

Schedules and coordinates activities with other City departments.

Assists in evaluation of economic life of equipment/vehicles.

Assists in preparation of budgetary estimates of the staffing, material, and equipment requirements for projected activities.

Ensures that activities are carried out in a safe and efficient manner.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic supervisory principles and practices.

Techniques, methods, materials, tools, and equipment used in the overhaul, repair, and maintenance of gasoline and diesel-powered vehicles and equipment, trucks, and heavy construction equipment.

Principles and practices of purchasing materials and outside services.

Operation and maintenance of a wide variety of equipment, hand, shop, and power tools used in the course of work.

Relevant codes and regulations.

Safety practices, safe work methods, and safety regulations related to equipment maintenance work.

Computer applications related to equipment maintenance work.

Ability to:

Perform highly skilled mechanical repair work.

Plan, estimate, direct, coordinate, schedule, and review the work of others.

Prepare and maintain a variety of accurate written and computerized records and reports pertaining to the work.

Read and interpret equipment specifications, and manuals.

Operate and maintain equipment and tools used in the course of work.

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

Identify and implement effective courses of action to complete assigned work.

Coordinate work assignments with other divisions and departments.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of experience as a journey level automotive or heavy equipment mechanic, including one year of lead or supervisory experience.

Education:

Equivalent to graduation from high school.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

CITY OF MODESTO
No. 2755

JANUARY 1993

EQUIPMENT MAINTENANCE SUPERVISOR II

DEFINITION

To have direct responsibility for the supervision of the preventive maintenance and repair program for City vehicles and equipment; plan and organize schedules and direct the maintenance, repair, and overhaul of a large fleet of automobiles, trucks, and construction equipment.

DISTINGUISHING CHARACTERISTICS

This is the second level within the Equipment Maintenance Supervisor classification. Employees within this class are distinguished from the Equipment Maintenance Supervisor I by the performance of a higher level of duties and responsibilities, as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Fleet Manager. Supervises the work of staff assigned to the Service Division.

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

Assigns, directs, and reviews the work of employees assigned to troubleshoot, overhaul, fabricate, repair and maintain a wide variety of automotive and other motorized equipment in the shop or in the field; schedules routine preventive maintenance.

Establishes daily work priorities; inspects and evaluates equipment and prepares work orders; estimates time and material requirements.

Instructs and provides for the training of staff in work methods, use of tools, and equipment and relevant safety precautions.

Responds to questions and complaints from other departments and divisions.

Recommends special work required or necessary equipment maintenance.

Coordinates activities with other City departments and outside agencies and vendors.

May test equipment on completion of work.

Assists in evaluation of economic life of equipment/vehicles.

Responds to emergency situations as necessary.

Assists in the development and implementation of goals, objectives, policies, procedures, and work standards; assists in providing for staff training and development.

Provides technical assistance to staff; inspects and evaluates work being performed; identifies problem areas and directs remedial action.

Investigates and evaluates accident damage and prepares reports of findings; prepares detailed budget requests for repair activities; participates in long-term planning to assess future needs.

Researches new operational methods, techniques and equipment and recommends their application.

Ensures that activities are carried out in a safe and efficient manner.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic supervisory principles and practices.

Techniques, methods, materials, tools, and equipment used in the overhaul, repair, and maintenance of gasoline and diesel-powered vehicles and equipment, trucks, and heavy construction equipment.

Principles and practices of purchasing materials and outside services.

Operation and maintenance of a wide variety of equipment, hand, shop, and power tools used in the course of work.

Relevant codes and regulations.

Principles and practices of employee supervision, including selection, training, work evaluation, and discipline.

Principles and practices of administration, including goal setting, policy, and procedure development and implementation, evaluation, and work standards.

Practices and techniques of budget development and purchasing.

Safety practices, safe work methods, and safety regulations related to equipment maintenance work.

Computer applications related to equipment maintenance work.

Ability to:

Perform highly skilled mechanical repair work.

Plan, estimate, direct, coordinate, schedule, and review the work of others.

Read and interpret equipment specifications, and manuals.

Operate and maintain equipment and tools used in the course of work.

Identify and implement effective courses of action to complete assigned work.

Coordinate work assignments with other divisions, departments, and agencies.

Plan, organize, coordinate, direct, assign, review, and evaluate the work of others.

Select, motivate, and evaluate staff and provide for their training and development.

Analyze complex technical and administrative problems, evaluate alternatives, and recommend or adopt effective courses of action.

Develop and implement goals, objectives, policies, procedures, work standards, and internal controls.

Prepare clear and concise written and computerized records, reports, and correspondence.

Exercise independent judgment within general policy guidelines.

Establish and maintain effective working relationships with staff, citizens, and a variety of other organizations.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be

qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of journey level experience in automotive or heavy equipment mechanics, including two years of lead or supervisory experience.

Education:

Equivalent to graduation from high school. College level course work in automotive mechanics or a related field is desirable.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

CITY OF MODESTO
NO. 7210
NO. 7215

January, 1993

FIREFIGHTER
FIREFIGHTER TRAINEE

DEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within the prescribed time frame.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

Respond to fire alarms with assigned company; lay and connect hose; maintain pumping apparatus; hold nozzles and direct water streams; raise and climb ladders.

Operate all types of portable fire extinguishers, pike poles, hand lines, smoke ejectors, salvage covers, forcible entry tools, aerial ladder equipment, emergency medical equipment and other rescue equipment.

Provide basic life support while responding to emergency medical incidents, analyzing and initiating patient care until relieved by proper medical personnel.

Administer first aid; assist paramedics at medical emergencies; apply techniques for the control of bleeding; utilize immobilization techniques to stabilize patient.

Exhibit "C"

EXAMPLES OF DUTIES - Continued

Respond to hazardous materials incidents.

Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code; maintain appropriate records and files.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Participate in the Fire Prevention Program providing various public relation services, including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Participate in fire drills; serve as drill instructor as assigned; attend training sessions which include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.

Clean apparatus and equipment and perform general custodial duties as required.

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.

Perform related duties as assigned.

QUALIFICATIONS

FIREFIGHTER TRAINEE

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Demonstrate physical aptitude.

Ability to:

Learn the layout of the City's water main system and street numbering system.

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform heavy lifting and physical maneuvering.

Perform general office and clerical duties in support of assigned activities.

Communicate effectively, both orally and in writing.

Shall pass all required oral, manipulative and written exams for Firefighter Trainee.

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

Experience and Training Guidelines

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

Experience:

No experience.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

FIREFIGHTER

In addition to the qualifications for Firefighter Trainee:

Knowledge of:

Principles, practices and procedures of modern firefighting.

Knowledge of: (Continued)

Fire apparatus, equipment, tools, devices, facilities and their proper use.

Basic principles of hydraulics relating to fire equipment.

Safe driving practices.

Advanced first aid, C.P.R. and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.

Maintain and test fire sprinkler systems and fire hydrants.

Operate and maintain voice radio equipment.

Safely remove victims from buildings and automobiles.

Shall pass all required oral, manipulative and written exams for Firefighter.

Experience and Training Guidelines:

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

Experience and Training:

Successful completion of the City of Modesto Firefighter Trainee Program.

License or Certificate:

Possession of an Emergency Medical Training (EMT) I certificate prior to completion of probation. Failure to obtain this certificate shall be grounds for release from Probation. Once the EMT I certification is obtained and probation completed, recertification shall not be required.

Possession of, or ability to obtain, an appropriate, valid Advanced First Aid Certificate.

Possession of, or ability to obtain, an appropriate, valid C.P.R. Certificate.

Possession of, or ability to obtain, an appropriate, valid California Firefighter I Certificate is desirable.

CITY OF MODESTO
NO. 7205

January, 1993

FIRE ENGINEER

DEFINITION

To operate and maintain a variety of fire apparatus and firefighting equipment; to participate in firefighting activities, fire prevention inspections, and training; to perform mechanical maintenance on vehicles, equipment, and apparatus; and to perform and provide emergency medical services.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise supervision over sworn staff.

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

Drive fire-pumping and aerial lift apparatus to alarms and operate pump at the fire; regulate water pressure through hose lines.

Operate and oversee the use of numerous types of vehicles, equipment, tools, and apparatus including Bush truck, Rescue truck and river boats.

Inspect vehicles, equipment, and apparatus, including aerial lift and pumping equipment; perform maintenance and minor repair work; identify and assist in major repair and maintenance; maintain records of maintenance and overhauls.

Respond to emergency medical incidents, and care for patients until relieved by proper medical personnel.

When assigned to the Fire Prevention Bureau, provide various services, including fire inspection, plan checking and fire investigation.

Participate in the Fire Prevention Program providing various public relation services, including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Perform the duties of a Fire Fighter when pump is not being used at a fire.

Maintain an awareness of City layout and the water system.

Perform first aid at the Forty Hour First Responder or Emergency Medical Technician level.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Instruct and participate in drills and other training activities.

Participate in station maintenance work.

Operate radio equipment.

Act as Firefighter or Fire Captain, as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices, and procedures of modern firefighting and firefighting vehicles, equipment and apparatus.

Purposes and uses of a variety of vehicles, equipment, tools, and apparatus used in firefighting, rescue, and medical assistance operations.

Principles of mechanics, hydraulics, and mathematics as related to Fire Engineer duties.

First aid, C.P.R., and other basic medical assistance techniques.

Ability to:

Effectively and safely drive and operate the full range of fire apparatus and equipment used by the department. Perform field calculations of hydraulics for the proper and effective operations of equipment at emergency scenes.

Learn emergency medical techniques to Department standards.

Demonstrate physical endurance, agility, strength, and stamina in the performance of hazardous tasks under emergency conditions; think and act quickly in emergencies.

Understand and follow oral and written directions promptly and accurately.

Provide lead supervision over fire suppression personnel, when assigned.

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

Experience and Training Requirements:

Experience:

Three years in the classification of Firefighter with the City of Modesto.

Training:

High School graduation or equivalent G.E.D. certificate. Additional specialized training in fire science or a related field is desirable.

License or Certificate:

Possession of a valid Class B California driver's license.

Possession of a current Forty Hour First Responder (or higher level) certificate.

Possession of, or ability to obtain, an appropriate, valid C.P.R. Certificate.

Completion of operational certification on designated firefighting apparatus.

FIRE CAPTAIN

DEFINITION

To supervise and oversee a fire company, including activities involving fire suppression, emergency medical services, fire prevention and inspection, and administration; and to provide staff assistance to assigned higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

May exercise direct and indirect supervision over sworn and clerical staff.

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

Write, recommend and assist in the implementation of goals and objectives; establish schedules and methods for assigned shift; implement policies and procedures.

Plan and execute work assignments of fire personnel in an assigned company.

Direct firefighting operations until relieved by a superior officer; respond to fire alarms as an incident commander, assuming responsibility for the supervision, performance and safety of assigned firefighting personnel on the scene of an emergency incident.

Serve as a first responder to emergency medical incidents, analyzing and taking command of patient care with full responsibility for the patient(s) until relieved by proper medical personnel.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Coordinate and participate in the preparation and administration of the Department's budget and purchasing activities; manage the Department's inventory control system; prepare correspondence and reports related to administrative operations.

May act as Fire Marshal; coordinate activities including inspections, public education and juvenile counseling.

Supervise and assist in rendering first aid at an emergency incident.

EXAMPLES OF DUTIES - (Continued)

Direct and participate in the cleaning of quarters, equipment and apparatus at a fire station.

Perform a wide variety of general staff work as assigned.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for needed equipment; monitor and control expenditures; prepare bid specifications for required equipment, supplies and materials.

Assist in coordinating the maintenance and repair of fire suppression equipment and facilities such as hydrants, trucks and support equipment; ensure proper maintenance of station facilities; maintain station supplies.

Obtain and otherwise preserve evidence at a fire scene.

Participate in monitoring employee performance objectives; prepare employee performance reviews; provide assistance to personnel under stress due to incidents; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Identify the fire training needs of company personnel, including such areas as driving and operating equipment; ensure that necessary training is provided.

Prepare reports, forms, recommendations and other required administrative procedures of the company.

Assist other management staff in maintaining and improving upon the operation of the Department.

May perform emergency medical duties as required; administer basic life support procedures to persons suffering medical emergencies; check and maintain medical equipment.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and procedures of modern firefighting.

Rules, regulations and operational procedures of the Fire Department in modern firefighting activities.

Principles and practices of supervision and training.

Local geography, including the location of water mains and hydrants and the major fire hazards of the City.

Knowledge of: (Continued)

Modern office practices, procedures, methods and computer equipment.

Ability to:

Conduct preliminary fact-finding inspections and investigations, including evidence gathering.

Operate apparatus and equipment used in modern firefighting activities.

Prepare and recommend assigned budget.

Supervise, train and evaluate assigned staff.

Instruct and lead fire training sessions and courses.

Perform heavy lifting and physical maneuvering.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Requirements

Experience:

Four years of sworn municipal fire suppression and prevention experience with the City of Modesto, including one year as an Engineer; or six years as a Firefighter with the City of Modesto.

Training:

High School graduation or equivalent G.E.D. certificate. College level course work in fire science, fire administration or a related field is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Possession of a current Forty Hour First Responder (or higher level) Certificate.

Possession of, or ability to obtain, an appropriate C.P.R. Certificate.

CITY OF MODESTO
No. 2721

JANUARY 1993

BUILDING MAINTENANCE SUPERVISOR

DEFINITION

To plan, organize, supervise and provide for the maintenance, repair, and alteration of City facilities; also direct heating, ventilation, and air conditioning (HVAC) and related maintenance and repair; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receive direction from the Building Maintenance Superintendent. Exercise direct supervision over contractors and assigned maintenance personnel.

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

Plan, organize, and supervise the work of employees engaged in the repair, alteration, and painting of City facilities.

Recommend and assist in the implementation of goals and objectives; establish schedules for building maintenance services.

Assist in preparation of organization's budget and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

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

Perform the full range of building maintenance duties as required; perform electrical, plumbing, carpentry, locksmithing, and heating, ventilation, and air conditioning maintenance and repair duties in the upkeep of City building facilities; operate the full range of equipment and tool related assigned activities.

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

Review plans and specifications for maintenance and repair work done by contractors, and suggest changes.

Inspect completed contract work for acceptability.

Maintain time, material, and equipment use records.

EXAMPLES OF DUTIES - (continued)

Coordinate and work with other departments whenever building modifications are made or office layouts are modified and monitor work performance.

Inspect buildings routinely to check need for maintenance or repairs, compliance with building safety regulations and conformity to fire regulations.

Assist in coordinating building maintenance services activities with other City departments, divisions, and sections, and with outside agencies.

Determine need for repairs and establish work priorities.

Interpret building plans and specifications.

Consult with engineers and outside contractors concerning heating, mechanical, and electrical requirements.

Review and approve requisitions for maintenance supplies and equipment.

Coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Prepare instructional bulletins and correspondence.

Make verbal and written reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices, and equipment used in electrical, plumbing, carpentry, and heating, ventilation, air conditioning (HVAC), and repair services and activities.

Applicable Federal, State, and local building safety and health codes.

Principles of personnel supervision and training.

QUALIFICATIONS (continued)

Computer operated heating, ventilation, and air conditioning (HVAC) systems and City computer.

Safe work practices.

Ability to:

Interpret building plans and specifications.

Supervise building maintenance services and activities.

Estimate costs of building repairs.

Organize and maintain accurate maintenance records and prepare reports of maintenance projects and activities.

Communicate clearly and concisely, both orally and in writing.

Supervise, train, and evaluate assigned staff.

Ensure adherence to safe work practices.

Establish and maintain effective working relationships with those contacted during the course of work.

Experience and Training Guidelines:

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

Experience:

Three years of increasingly responsible experience performing journey level building maintenance duties, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in building maintenance or a related field.

License or Certificate:

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

CITY OF MODESTO
No. 3264

JANUARY, 1993

INDUSTRIAL WASTE SUPERVISOR

DEFINITION

Leads the activities of the Industrial Waste Division and Industrial Pretreatment Program. Provides technical guidance and supervision to Industrial Waste Inspectors. Plans, directs, reviews, and evaluates the activities of field technicians. Performs expert inspection on industrial, commercial, and residential discharges to the sewage and storm drain system. Does related work, as required. This is a highly technical and responsible regulatory position involving work independent of close supervision.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over Industrial Waste Inspectors.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

Provides technical guidance and supervision of Industrial Waste Inspectors in support of programs associated with the Pretreatment Program.

Provides review and development of plans and audits to minimize wastewater flow and loading.

Responds to emergency situations involving actual or suspected improper industrial waste discharge, chemical and/or industrial waste violations, and assists in coordinating actions to remedy the situation.

Oversees groundwater discharges to wastewater, and associated permitting processes.

Prepares data for entry into data processing systems.

Provides field expertise in inspection of point and non-point sources and discharges, sampling of industrial wastewater, and field measurements of industrial wastewater flows.

Assists the Deputy Director in the implementation of a grease trap ordinance, and ensures and monitors the ongoing inspection of grease traps of restaurants and businesses.

Investigates reports of illegal discharges and/or dumping of toxic substances into sewers and storm drains.

EXAMPLES OF DUTIES (Continued)

Implements illicit connection prevention program for pretreatment and non-point source programs.

Assists the Water Quality Control Superintendent in the instruction and training of subordinate personnel including the techniques of meter reading, sampling, inspecting, safety, and emergency procedures governing implementation and enforcement of pretreatment regulations.

Serves as the City's Pretreatment Program representative for subjects relating to pretreatment, and non-point source issues.

Initiates legal procedures, in conjunction with violations of Federal, State, and local regulations.

Resolves problems between City and industries related to wastewater discharges and fees.

Supervises storm water monitoring program; monitors storm water discharges from permitted industries for compliance with State permit.

Conducts illicit discharge and illegal dumping prevention program for storm water system.

Monitors water quality of storm water system.

Implements safety rules, regulations, and emergency procedures.

Initiates and prepares special studies and reports.

Assists the Water Quality Control Superintendent with the review and development of industrial waste discharge limits.

May act as an expert witness in court appearances.

Performs other duties as required.

QUALIFICATIONS

Knowledge of:

Modern principles and practices of chemistry, biology, ecology, or geology, as applied to wastewater, industrial wastes, or storm water.

Methods of detection of industrial wastes and effects of wastes on treatment plants and collection systems.

QUALIFICATIONS (Continued)

Knowledge of:

Non-point sources problems and methods of detection, and effects of such problems on collection systems and receiving waters.

Biological treatment processes.

Wastewater sampling techniques and flow measurement techniques.

Procedures associated with hazardous materials clean-up.

Federal, State, and local regulations regarding wastewater and storm water discharges, and the industrial pre-treatment program.

National Pollutant Discharge Elimination System (NPDES).

Confined space entry procedures.

Ability to:

Direct the activities of para-technical personnel.

Work in, with, and around wastewater, industrial wastes, and hazardous substances.

Interpret and apply Federal, State, and local rules, regulations, and standards.

Show proficiency in the use of computer systems and laboratory equipment.

Sample wastewater and discharges of suspected industrial wastes.

Create professional business correspondence, memoranda, reports, and other documentation associated with this classification.

Deal tactfully and effectively with the public and other City employees, individually and in groups.

Work in the immediate vicinity of laboratory chemicals and reactive agents used to analyze suspected industrial wastes.

Respond to emergencies associated with industrial wastes at any time of the day or night.

Perform work in the field; lift and carry sampling equipment, and perform flow metering studies.

QUALIFICATIONS (Continued)

Ability to:

Safely remove and replace up to 100-110 pound manhole covers (20-25 pounds with a 3.2 lifting device).

Work well under pressure.

Wear a respirator or breathing apparatus, and protective clothing and equipment, as needed.

Educate industries on matter of wastewater discharges and the disposition of industrial wastes.

Work in the field without close supervision.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in an industrial pretreatment program with a regulatory agency, with at least two years at the level of Industrial Waste Inspector, including one year of supervisory experience.

Education:

Equivalent to graduation from an accredited college or university with a Bachelor's Degree in chemistry, microbiology, environmental science, environmental engineering, biology, sanitary engineering, or a related field.

License or Certificate:
Possession of, or the ability to obtain, an appropriate and valid California driver's license.

California Water Pollution Control Association (CWPCA) Grade II Industrial Waste Certificate, or the ability to obtain one within 2 years of appointment. An Industrial Pretreatment Inspector Certification is desirable.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-39

Print

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 90-608".

WHEREAS, on July 9, 1991, the City Council adopted Resolution No. 91-464 entitled, "A Resolution Granting A Salary Increase To Management And Confidential Employees, Including Council Appointees, And Rescinding Resolution No. 90-608", and

WHEREAS, On February 4, 1992, the City Council adopted Resolution No 92-62 which amended Exhibit G of Resolution No. 91-464 to change the title of Word Processing System Supervisor, at salary range 423, to Systems Analyst on the Class Range Table, and

WHEREAS, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, and

WHEREAS, said recommendations included in part creation of new job classifications, amendments of some existing classifications and elimination of others, and

WHEREAS, on October 20, 1992, the City Council adopted Resolution No. 92-592 which amended Exhibit G of Resolution No. 91-464 to revise certain class specifications, and

WHEREAS, on November 17, 1992, the City Council adopted Resolution No. 92-632 which amended Exhibit G of Resolution No.

91-464 to revise and adopt certain class specifications, and

WHEREAS, the Council desires to implement certain changes to accommodate a portion of said audit,

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

SECTION 1. AMENDMENT OF RESOLUTION NO. 91-464. Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective January 19, 1993", which is attached hereto and made a part hereof as though set forth in full herein.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 19, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, Acting City Attorney

01/13/93--CA

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

Effective January 19, 1993

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	

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

Effective January 19, 1993

RANGE	TITLE
420	Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Zoning Inspector Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer

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

Effective January 19, 1993

RANGE	TITLE
431	Administrative Analyst II
	Affirmative Action Officer
	Personnel Analyst
	Training Coordinator
	Assistant Risk Manager
	Recycling Program Coordinator
	Budget Analyst
432	Plant Mechanic Supervisor
	Recreation Supervisor II
	Historical Buildings Supervisor
	Senior Accountant
	Youth Program Supervisor
	Industrial Waste Supervisor
433	Assistant Civil Engineer
	Laboratory Supervisor
	Assistant Traffic Engineer
434	Senior Programmer Analyst
	Electrical Supervisor
	Assistant Equipment Maint. Supv.
	Engineering Systems Manager
	Sr. Housing Rehab. Specialist
	Public Works Supervisor II
	Secondary Treatment Site Supv.
	Parks Maintenance Supervisor II
	Events Coordinator
	Operations Supervisor
	Landscape Designer
	Arborist
	Trees Maintenance Supv. II
	Land Surveyor
	Equipment Maintenance Supervisor II

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

Effective January 19, 1993

RANGE	TITLE
435	Management Analyst
	Deputy City Attorney I
	Senior Personnel Analyst
	Public Information Officer
	Public Services Supervisor
	Budget Officer
	Financial Analyst
	Administrative Services Officer
	Integrated Waste Specialist
436	Senior Planner
	Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt.
	Asst. Water Quality Control Supt.
	Transportation Planner
	Housing Program Supervisor
439	Deputy City Attorney II
	Associate Civil Engineer
	Associate Traffic Engineer
440	Principal Accountant
	Purchasing Officer
441	Community Development Program Manager
	Sr. Deputy City Attorney I
	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Maintenance Supt.
	Parking & Traffic Supt.
	Parks Maintenance Supt.
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Golf Superintendent
	Fleet Manager
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent

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

Effective January 19, 1993

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-40

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FINANCING AGREEMENTS WITH OWNERS OF PROPERTIES FOR THE PURPOSE OF REHABILITATING THOSE PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

WHEREAS, the Housing Rehabilitation Loan Committee has reviewed financing packages for property owners John Cunningham, Wendy Lee and Warren Ihrig for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program, and recommends approval.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute financing agreements with owners of properties for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-41

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, money is available from the Transportation Development Act Fund for use by the City of Modesto in carrying out transit purpose activities, and

WHEREAS, these funds are allocated by the Stanislaus Area Association of Governments (SAAG) in accordance with established priorities, and

WHEREAS, the City of Modesto's claim has been prepared in accordance with established priorities and provides for the use of $3,441,209 from the Local Transportation Fund (LTF) and $154,071 from the State Transit Assistant (STA) Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Transportation Development Act Fund claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $3,595,280 for the fiscal year 1992-93 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-42

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EVANS-EXECUTONE TO PROVIDE MAINTENANCE AND SERVICE COVERAGE FOR THE CITY'S TELEPHONE SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Evans-Executone to provide maintenance and service coverage for the City's telephone system

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-43

A RESOLUTION APPOINTING STEVE FRANKLIN AS CHAIRPERSON TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. That Steve Franklin is hereby appointed as Chairperson to the Housing Rehabilitation Loan Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Chairperson of the Housing Rehabilitation Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1993, by Councilmember Cogdill , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-44

A RESOLUTION ADOPTING THE CITY OF MODESTO-STANISLAUS COUNTY AMERICANS WITH DISABILITIES ACT 1993 COMPLEMENTARY PARATRANSIT PLAN UPDATE.

WHEREAS, pursuant to the requirements of the Federal Transit Administration, staff prepared the City of Modesto Americans with Disabilities Act Complementary Paratransit Plan, and

WHEREAS, a public hearing was held on January 26, 1993, to accept public comments on the draft plan,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the plan entitled "The City of Modesto-Stanislaus County Americans with Disabilities Act 1993 Complementary Paratransit Plan Update", a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-45

A RESOLUTION ACCEPTING THE BID OF ALLEN WAGGONER CONSTRUCTION FOR THE LINDEN STREET, MARTIN LUTHER KING DRIVE AND LAUREL AVENUE STORM DRAIN EXTENSION

WHEREAS, Resolution No. 92-680 , adopted by the Council of the City of Modesto on December 15 , 1992 , approved the plans and specifications for the Linden Street, Martin Luther King Drive and Laurel Avenue storm drain extension and authorized the calling for bids; and

WHEREAS, the bids received for the Linden Street, Martin Luther King Drive and Laurel Avenue storm drain extension were opened at 11:00 a.m. on January 14, 19 93 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen Waggoner Construction in the amount of $53,914.30 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen Waggoner Construction in the amount of $53,914.30 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January , 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CORRECTED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-46

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE RECOMMENDED AIRPORT'S FISCAL YEAR 1993/94 CAPITAL IMPROVEMENTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, City staff will be recommending that in FY 1994, the City will complete five airport projects amounting to an estimated cost of approximately $455,500, said projects will include a mandated standardization of the airport's airfield signs, rehabilitation of pavements within the T-hangar areas and some of the airport taxiways, construction of a new section of taxiway, and the purchase of an aircraft ADA lift device that will better assist people with disabilities, and

WHEREAS, these projects will require a 10% local participation or $45,550 in City funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of $409,950 to complete the recommended airport's fiscal year 1993/94 capital improvements.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-46

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE RECOMMENDED AIRPORT'S FISCAL YEAR 1993/94 CAPITAL IMPROVEMENTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, City staff will be recommending that in FY 1994, the City will complete five airport projects amounting to an estimated cost of approximately $455,500, said projects will include a mandated standardization of T-hangar areas and some of the airport taxiways, construction of a new section of taxiway, and the purchase of an aircraft ADA lift device that will better assist people with disabilities, and

WHEREAS, these projects will require a 10% local participation or $45,550 in City funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of $409,950 to complete the recommended airport's fiscal year 1993/94 capital improvements.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1992, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

MODESTO CTIY COUNCIL
RESOLUTION NO. 93-47

A RESOLUTION APPROVING THE REQUEST OF BUTLER GROUP, INC. FOR REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX IN THE AMOUNT OF $535.01

BE IT RESOLVED by the Council of the City of Modesto that the request of Butler Group, Inc. for a refund of $535.01 for overpayment of their Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-48

A RESOLUTION APPROVING THE REQUEST OF TROPHY WORKS FOR REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX IN THE AMOUNT OF $669.57

BE IT RESOLVED by the Council of the City of Modesto that the request of Trophy Works for a refund of $669.57 for overpayment of their Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-49

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HDR, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN THE DESIGN AND REPLACEMENT OF THE BARSCREEN AT THE WASTEWATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HDR, Inc. for professional engineering services in the design and replacement of the barscreen at the Wastewater Treatment Plant

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-50

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN MURATORE MANOR SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, John and Maryanne Hasley , subdividers of Muratore Manor Subdivision , have filed subdivision bonds for faithful performance and labor and materials in the amount of $ 64,400.00 and $ 64,400.00 respectively to guarantee improvements in Muratore Manor Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated January 15, 1993, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Muratore Manor Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $ 64,400.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $ 64,400.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-51

A RESOLUTION APPOINTING BART BARRINGER AND MARK JORDAN TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY COMMITTEE

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

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

SECTION 1. The following persons are hereby appointed to the Downtown Improvement District Advisory Committee for the respective term as indicated:

Bart Barringer - term to expire 3/28/94
Mark Jordan - term to expire 3/28/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Downtown Improvement District Advisory Com. and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-52

A RESOLUTION APPROVING PLANS AND SPECITICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER TANK NO. 5

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

SECTION 1. The plans and specifications for the installation of water tank No. 5 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 25, 1993 , at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

WHEREAS, the City Council certifies that it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

6

MODESTO CITY COUNCIL
RESOLUTION NO. 93-53

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE CLAUS ROAD PEDESTRIAN ACCESS AND WATERLINE INSTALLATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of the Claus Road pedestrian access and waterline installation has been completed by George Reed, Inc. in accordance with the contract agreement dated June 16, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of the Claus Road pedestrian access and waterline installation be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $127,929.37 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-54

A RESOLUTION ACCEPTING THE CONSTRUCTION OF KANSAS AVENUE REPAIRS AND CHIP SEAL AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Kansas Avenue repairs and chip seal

has been completed by Teichert Construction

in accordance with the contract agreement dated July 28, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of Kansas Avenue repairs and chip seal

be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $49,049.88 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 193 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-55

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1992-93

WHEREAS, it has been determined that certain interim adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1992-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in the attached Exhibit A be made to the Annual Budget of the City of Modesto for the Fiscal Year 1992-93.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

02/26/93--CA

FEB 7,1993

GENERAL FUND
MIDYEAR APPROPRIATIONS ADJUSTMENTS

Fund	Agcy	Orgn	Obit	Current Modl Budget	Midyear Budget	Appropriation Transfer	Dept sumary Appropriation Transfer	Council Action From Reserve
010	010	0101	0301	1,200	225	(975)		
010	010	0101	0401	25,621	26,596	975	0	
010	020	0201	0209	1,200	800	(400)	(400)	
010	020	0210	0207	3,491	1,791	(1,700)	(1,700)	
010	030	0301	0123		25,000			25,000
010	140	1401	5508	1,083	0	(1,083)		
010	140	1401	5510	4,075	5,158	1,083	0	
010	160	1601	0360	88,073	138,073	50,000		
010	160	1601	9990	(147,240)	(197,240)	(50,000)	0	
010	190	1901	0239	593,000	530,000	(47,000)	(47,000)	
010	300	3001	0202	16,231	2,000	(14,231)		
010	300	3001	0204	23,778	10,000	(6,707)		
010	300	3001	0207	5,018	6,518	1,500		
010	300	3001	0208	4,210	8,750	4,540		
010	300	3001	0210	1,200	750	(450)		
010	300	3001	0217	13,551	5,000	(8,551)		
010	300	3001	0235	18,151	21,843	3,692		
010	300	3001	0302	835	540	(295)		
010	300	3001	5491	940	600	(340)	(20,842)	
010	310	3113	0430	3,251	1,755	(1,496)		
010	310	3113	5483	1,200	1,072	(128)		
010	360	3612	0235	1,850	2,900	1,050		
010	360	3612	0360	1,500	450	(1,050)	0	
010	370	3712	0140	633,867	585,842	(48,025)		
010	370	3712	0202	0	2,100	2,100		
010	370	3712	0235	37,053	17,261	(19,792)		
010	370	3712	0315	53,949	50,252	(3,697)		
010	370	3712	0337	2,925	1,500	(1,425)	(70,839)	
010	410	4112	0204	466	966	500		
010	410	4112	0217	820	920	100		
010	410	4112	0235	7,600	8,600	1,000		
010	410	4112	9990	(568,568)	(598,568)	(30,000)	(28,400)	
010	420	4212	0215	2,400	2,100	(300)		
010	420	4212	5534	5,300	4,224	(1,076)		
010	420	4212	5535	1,100	826	(274)	(1,650)	
010	430	4301	0217	820	1,300	480		
010	430	4301	0301	800	1,200	400		
010	430	4301	9990	(94,793)	(87,152)	7,641	8,521	
010	440	4412	0235	13,514	9,914	(3,600)	(3,600)	
						(167,534)	(167,534)	25,000

Exhibit A

GENERAL FUND
MIDYEAR 1992-93
REVENUE ADJUSTMENTS

Feb 7,1993

Fund	Agcy	Revenue Source		Current Modified	Midyear Adjustment	Adjustment	Summary Total
010	510	1201	SALES AND USE TAX	17,455,650	17,365,650	(90,000)	(90,000)
010	440	4001	BUILDING FEE- ALL INCLUSIVE	194,400	250,000	55,600	
010	440	4002	BUILDING INSPECTIONS	492,000	380,000	(112,000)	
010	440	4003	PLUMBING INSPECTIONS	42,000	35,000	(7,000)	
010	440	4004	ELECTRICAL INSPECTIONS	72,000	62,000	(10,000)	
010	440	4005	HEATING/COOLING CODE INSPECT	26,400	22,000	(4,400)	
010	440	4007	PLAN CHECKING FEES	270,000	250,000	(20,000)	
010	420	4011	SUBDIVISION INSPECTION FEES	85,000	45,000	(40,000)	(137,800)
010	510	1210	TRANSIENT OCCUPANCY TAX	1,580,000	1,480,000	(100,000)	(100,000)
010	510	1119	PROPERTY TRANSFER TAX	275,000	245,000	(30,000)	(30,000)
010	190	3118	ABANDONED VEHICLE ALLOCATION	125,000	110,000	(15,000)	
010	370	4069	EXCURSION PROGRAM	22,000	0	(22,000)	
010	320	4070	STREET TREES	10,000	15,000	5,000	
010	370	4071	SWIMMING POOL FEES	32,000	30,000	(2,000)	
010	370	4072	LEAGUE FEES	186,500	140,000	(46,500)	
010	370	4074	MISCELLANEOUS RECREATION	90,100	72,000	(18,100)	
010	510	8122	REFUNDS AND DAMAGE RECOVERY	75,000	131,000	56,000	(42,600)
						(400,400)	(400,400)
			TRANSFER FROM TRAFFIC SAFETY	300,000	180,000	(120,000)	
						(520,400)	

MODESTO CITY COUNCIL
RESOLUTION NO. 93-56

A RESOLUTION AUTHORIZING A LOAN TO THE REDEVELOPMENT AGENCY IN THE AMOUNT OF $122,000 TO PROVIDE FOR ADMINISTRATIVE COSTS.

WHEREAS, State law requires that tax increment money may only be used to reimburse indebtedness, and

WHEREAS, a loan to the Redevelopment Agency from the City of Modesto would be in compliance with State law, and

WHEREAS, it is anticipated that the Redevelopment Agency would be able to pay the loan back to the City within an 18-month period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a loan to the Redevelopment Agency in the amount of $122,000 to provide the Agency with sufficient money to cover administrative costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, Acting City Attorney

02/02/93 OPONOKL9/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-57

A RESOLUTION RATIFYING RETENTION AND APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF WRIGHT AND TALISMAN AS OUTSIDE LEGAL COUNSEL FOR THE CITY OF MODESTO IN CERTAIN MATTERS PENDING BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that it does hereby ratify the retention and approve an agreement with the law firm of Wright and Talisman as outside legal counsel for the City of Modesto in certain matters pending before the California Public Utilities Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-58

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FEDERAL GRANT FUNDING FROM THE SMALL BUSINESS ADMINISTRATION, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID APPLICATION.

WHEREAS, the Parks and Recreation Department has been notified of the opportunity to submit an application to the State of California Department of Forestry and Fire Protection for Federal Grant Funding under the Small Business Administration, and

WHEREAS, the grant would allow the City to purchase trees from small businesses and contract with other small businesses for planting of the trees as part of the City's street tree program, and

WHEREAS, project costs are $117,513, and at least thirty-seven percent (37%) of the total project costs ($45,263) must be paid by the applicant (the City), which includes a cash match of twenty percent (20%) of the grant amount paid to the Department of Forestry and Fire Protection to administer the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the submittal of an application to the State of California Department of Forestry and Fire Protection for Federal grant funding in the amount of $72,250 from the Small Business Administration.

BE IT FURTHER RESOLVED that the Council hereby appoints the City Manager as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RES. NO. 93-59

A RESOLUTION APPOINTING MICHAEL D. MILICH AS CITY ATTORNEY AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL D. MILICH REGARDING HIS APPOINTMENT TO THE POSITION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Michael D. Milich is hereby appointed as City Attorney of the City of Modesto and that the agreement between the City of Modesto and Michael D. Milich regarding his appointment to the position of City Attorney be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being dully seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

14

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-60

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM, DESIGN GROUP, FOR PROFESSIONAL ENGINEERING SERVICES IN THE DESIGN OF THE HETCH HETCHY BIKE PATH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM, Design Group, for professional engineering services in the design of the Hetch Hetchy bike path

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd **day of** February **,** 19 93 **, by Councilmember** Patterson **who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Bird

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-61

Print

A RESOLUTION RATIFYING RETENTION AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF MEYERS, NAVE, RIBACK AND SILVER FOR THE PURPOSE OF REPRESENTING AND ADVISING THE CITY REGARDING POTENTIAL LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that it does hereby ratify the retention and approve an agreement with the law firm of Meyers, Nave, Riback and Silver for the purpose of representing and advising the City regarding potential litigation.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-62

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON MODESTO GARBAGE COMPANY'S REQUEST FOR A THREE-YEAR EXTENSION OF THEIR FRANCHISE FOR THE COLLECTION OF GARBAGE, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 2, 1993 **, at** 7:30 **P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of** Modesto Garbage Company's request for a three-year extension of their franchise for the collection of garbage, industrial garbage and salvageable waste.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd **day of** February**, 19**93**, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Friedman**, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-63

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR FURNISHING TOTAL SURVEYING STATION EQUIPMENT

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

SECTION 1. The specifications for furnishing total surveying station equipment , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 1, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-64

A RESOLUTION ACCEPTING THE BID OF HSQ TECHNOLOGY FOR FURNISHING A SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM FOR THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 92-404 **, adopted by the Council of the City of Modesto on** July 14 **, 19**92 **, approved the plans and specifications for** the Supervisory Control and Data Acquisition System (SCADA) **and authorized the calling for bids; and**

WHEREAS, the bids received for furnishing a Supervisory Control and Data Acquisition System for the Water Quality Control Plant **were opened at** 11:00 a.m. **on** November 30, **19**92 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** HSQ Technology for the total price of $2,104,924.00 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of HSQ Technology for the total price of $2,104,924.00 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19**93 **, by Councilmember** Friedman, **who moved its adoption, which motion being duly seconded by Councilmember** Muratore, **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-65

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $975,692 TO FUND THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM FOR THE WATER QUALITY CONTROL PLANT

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

FROM:	Sewer Contingency Reserve	$680,000
	Q.C. Indicator Alarm	37,500
	SCADA System	199,692
	Chlorine Bulk Storage Tank	58,500
TO:	SCADA (New CIP)	$975,692

Funds needed to fully fund the Supervisory Control and Data Acquisition System for the Water Quality Control Plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19 93**, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-65A

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $94,500 TO FUND THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM FOR THE WATER QUALITY CONTROL PLANT

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

FROM:	GAC Well Filter Relocation (610-480-C125-6010)	$94,500
TO:	SCADA System (610 480 C144 6040)	$94,500

Funds needed to fully fund the Supervisory Control and Data Acquisition System for the Water Quality Control Plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-66

Print

A RESOLUTION ACCEPTING THE BID OF TRI TECHNIC, INC. FOR THE INSTALLATION OF EMERGENCY GENERATORS AT WELLS 33 AND 39

WHEREAS, Resolution No. 93-16 , adopted by the Council of the City of Modesto on January 5 , 1993 , approved the plans and specifications for the installation of emergency generators at Wells 33 and 39 and authorized the calling for bids; and

WHEREAS, the bids received for the installation of emergency generators at Wells 33 and 39 were opened at 11:00 a.m. on January 26, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Tri Technic, Inc. in the amount of $92,161

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tri Technic, Inc. in the amount of $92,161 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February , 1993 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Maureen Coyle

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-67

A RESOLUTION ACCEPTING THE MISCELLANEOUS SEWER REPAIRS - ORANGEBURG AVENUE AND BUENA VISTA AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the miscellaneous sewer repairs - Orangeburg Avenue and Buena Vista Avenue has been completed by Joe Martin Pipeline, Inc. in accordance with the contract agreement dated July 7, 1992.

NOW, THEREFORE, BE IT RESOLVED that the miscellaneous sewer repairs-Orangeburg Avenue and Buena Vista Avenue be accepted from said contractor, Joe Martin Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $78,942.69 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-68

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS THAT PARCEL MAP APPLICATION NO. 92-46, GENERAL PLAN AMENDMENT APPLICATION NO. 92-09, AND REZONE APPLICATION NO. 92-12 BY VINTAGE FAIRE CHRISTIAN CENTER TO ALLOW A 30,500-SQUARE FOOT COMMERCIAL TELEVISION STATION AT THE NORTHEAST CORNER OF DALE ROAD AND PELANDALE AVENUE IN THE CITY'S URBAN RESERVE AREA AS DESIGNATED IN THE GENERAL PLAN BE APPROVED.

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, Policy 4.028 calls for City Council review of parcel maps, rezonings, and General Plan amendments but not conditional use permits for churches within Area 4, and

WHEREAS, Mid-Valley Engineering, Inc., on behalf of Vintage Faire Christian Center has filed an application for a modification of the Land Use Element of the Stanislaus County General Plan, property located at 4204 Dale Road, Northeast corner of Dale Road at Pelandale Avenue, to allow a 30,500-square foot commercial television station, and

WHEREAS, this project is located in Area 4, within the City's Urban Reserve that is designated on the County General Plan map as Urban Transition, and

WHEREAS, while the three-acre property for the proposed 30,500-square foot building complex is cut from a 15+ acre church site, it is a commercial use, and not a church use, and

WHEREAS, the proposed project is within an area which the City Council has directed the General Plan Steering Committee to consider for a Phase I Business Park, and

WHEREAS, it is clearly not in the City/County's best interests to interfere with the establishment of a business park, and this proposed development will not be incompatible with a business park, and

WHEREAS, any development that is to occur in this area should proceed in accordance with the City's Standard Specifications including major street and Class B expressway standards for Dale Road and Pelandale Avenue, respectively, including prohibition of any access to Pelandale Avenue since the easterly extension of Pelandale Avenue is anticipated to be developed as a Class B expressway with a 124-foot right-of-way widening out to 134 feet near the Dale Road intersection, and

WHEREAS, as an added assurance of compliance to the above public improvements, improvement plans should be subject to approval of the City's Public Works and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus the adoption of General Plan Amendment Application No. 92-09, Parcel Map Application No. 92-46, and Rezone

Application No. 92-12 by Vintage Faire Christian Center to allow a 30,500-square foot commercial television station at the Northeast Corner of Dale Road and Pelandale Avenue in the City's Urban Reserve Area as designated in the General Plan on the basis of its compatibility with future projected development in said area and subject to the above referenced right-of-way widths, access restrictions, and Modesto Public Works and Transportation Department review for compliance with the City's Standard Specifications.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	Dobbs, Patterson
ABSENT:	Councilmembers:	

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-69

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS ADOPTION OF GENERAL PLAN AMENDMENT NO. 92-12 AND REZONE APPLICATION NO. 92-16 BY ROSS BRILES (PUTT PUTT GOLF) FOR AN 18-ACRE P-D ZONE TO ACCOMMODATE A SIX-ACRE FAMILY RECREATION CENTER AT THE NORTHWEST CORNER OF CLARATINA AVENUE AND COFFEE ROAD IN THE CITY'S URBAN RESERVE AREA AS DESIGNATED IN THE GENERAL PLAN.

WHEREAS, on March 13, 1990, the City and County entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, the proposed project is located in Area 4, within the City's Urban Reserve and designated on the County General Plan Map as Urban Transition, and

WHEREAS, Policy 4.028 calls for the City Council to review rezonings and General Plan amendments except for churches within Area 4, and

WHEREAS, Ross Briles on behalf of Velma May Johnson and Louise M. Dunham filed an application for modification of the Land Use Element of the Stanislaus County General Plan for an 18-acre P-D zone to accommodate a six-acre family recreation center at the northwest corner of Claratina Avenue and Coffee Road in the City's urban reserve area as designated in the General Plan, and

WHEREAS, the proposed development will benefit the

community by providing a replacement for the long-established and well-known Putt Putt miniature golf and general recreation facility, and

WHEREAS, while the proposed building is 17,000 square feet and the immediate land area being developed is six acres, the remainder of the 18-acre site secures the open space for future outdoor recreation, and

WHEREAS, the proposed development is compatible with the existing golf driving range across Coffee Road and is not incompatible with the future residential developments that will occur in the area, and

WHEREAS, the proposed development site is located in the South-central portion of the area currently identified as Village 7 and is located between the future Pelandale-Claratina Expressway and the Hetch Hetchy Right-of-Way, making it least disruptive with regard to future development of the Village 7 area, and

WHEREAS, the project site plan will accommodate the proper right-of-way widths, Claratina Avenue likely becoming a six-lane, class B expressway requiring a 124-foot right-of-way to 134 feet at the major street intersection and a wider radius and flaring of the Coffee Road width at said intersection, with no access being permitted to Claratina Avenue, and

WHEREAS, the required dedications and improvements will be conditioned on conforming to City standards and will be

subject to the approval of the Director of Public Works and Transportation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus the adoption of General Plan Amendment No. 92-12 and Rezone Application No. 92-16 on the basis of its compatibility with present and/or future development in said area and subject to the above referenced right-of-way widths, access restrictions, and Modesto Public Works and Transportation Department review.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

02/09/93--CA

MODESTO CITY COUNCIL
RESOLUTION NO. 93-70

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WAYNE M. AND KATHY A. GLADNEY FOR ACQUISITION OF 1,844± SQUARE FEET OF THEIR PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wayne M. and Kathy A. Gladney for acquisition of 1,844± square feet of their property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-71

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT W. CRABTREE FOR THE ACQUISITION OF 1,663± SQUARE FEET OF HIS PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert W. Crabtree for the acquisition of 1,663± square feet of his property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-72

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A GRANT DEED TO INSTITUTIONAL FINANCIAL ENTERPRISE, UTA JULY 16, 1990, FOR STREET RIGHT OF WAY CONVEYED AS PART OF THE MERLE PARK ACQUISITION SO IT CAN BE CONVEYED TO SYLVAN SCHOOL DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Grant Deed to Institutional Financial Enterprise, UTA July 16, 1990, for street right of way conveyed as part of the Merle Park acquisition be, and it is hereby approved so the right of way can be conveyed to Sylvan School District.

BE IT FURTHER RESOLVED that the execution of said grant deed by the designated City officials be authorized.

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

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-72

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT DEED TO THE SYLVAN SCHOOL DISTRICT FOR STREET RIGHT OF WAY CONVEYED AS PART OF THE MERLE PARK ACQUISITION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Grant Deed to Sylvan School District for street right of way conveyed as part of the Merle Park acquisition be, and it is hereby approved.

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

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

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-73

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN STONE LEAF HOLLOW SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Self Help Enterprises , subdividers of Stone Leaf Hollow Subdivision , have filed subdivision bonds for faithful performance and labor and materials in the amount of $192,300.00 and $ 96,150.00 respectively to guarantee improvements in Stone Leaf Hollow Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated January 27, 1993. indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Stone Leaf Hollow Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of $192,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of $ 96,150.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-74

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COPPER CREEK HOMEOWNERS ASSOCIATION FOR THE SALE OF 4,443± S.F. OF PROPERTY NEEDED FOR THE CLAUS ROAD BRIDGE WIDENING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Copper Creek Homeowners Association for the sale of 4,443± s.f. of property needed for the Claus Road bridge widening

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-75

Print

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF FACILITIES AT MODESTO JUNIOR COLLEGE FOR RECREATION ACTIVITIES DURING 1993

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the hold harmless agreement between the City of Modesto and Yosemite Community College District for use of facilities at Modesto Junior College for recreation activities during 1993 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-76

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF BARLUPO AND FIELDER TO REPRESENT CITY OF MODESTO IN WORKERS' COMPENSATION MATTERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Barlupo and Fielder to represent the City of Modesto in Workers' Compensation matters

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-77

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF HERR AND CLEVELAND TO REPRESENT CITY OF MODESTO IN WORKERS' COMPENSATION MATTERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Herr and and Cleveland to represent City of Modesto in Workers' Compensation matters

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19 93**, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-78

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF MULLEN AND FILLIPI TO REPRESENT THE CITY IN WORKERS' COMPENSATION MATTERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Mullen and Fillipi to represent the City in Workers' Compensation matters

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-79

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CERTIFIED-EARTH METRICS, INC. TO PERFORM PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Certified-Earth Metrics, Inc. to perform professional environmental consulting services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** February **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-80

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR RIP RAP REPAIR AT STORAGE PONDS ON JENNINGS ROAD - 1993

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

SECTION 1. The specifications for rip rap repair at storage ponds on Jennings Road - 1993 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 11, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-81

Print

A RESOLUTION ACCEPTING THE UPDATE OF THE SUBMERSIBLE SEWAGE LIFT STATIONS - COLDWELL AVENUE, FAIRMONT AVENUE AND ATHENS AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the update of the submersible sewage lift stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue has been completed by Scrimsher & Mineni Construction, Inc. in accordance with the contract agreement dated February 11, 1992.

NOW, THEREFORE, BE IT RESOLVED that the update of the submersible sewage lift stations - Coldwell, Fairmont and Athens Avenues be accepted from said contractor, Scrimsher & Mineni Construction, Inc; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $209,830.06 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-82

Print

A RESOLUTION ACCEPTING THE INSTALLATION OF WATERLINES IN SCENIC DRIVE, GRAPHICS DRIVE AND PARKLAWN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the installation of waterlines in Scenic Drive, Graphics Drive and Parklawn Avenue has been completed by Rolfe Construction Co. in accordance with the contract agreement dated July 7, 1992.

NOW, THEREFORE, BE IT RESOLVED that the installation of waterlines in Scenic Drive, Graphics Drive and Parklawn Avenue be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $152,017.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-83

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATHIS & ASSOCIATES FOR A FIRE DEPARTMENT MANAGEMENT AUDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mathis & Associates for a Fire Department management audit

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-83A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARROYO SECO ASSOCIATES FOR A FINANCE DEPARTMENT AUDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arroyo Seco Associates for a Finance Department audit

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-84

A RESOLUTION APPROVING AMENDMENTS AND ALLOWING THE AFFIRMATIVE ACTION COMMISSION TO APPROVE AMENDMENTS TO ITS RULES OF PROCEDURES (BY-LAWS), AND RESTATING THE OFFICIAL NAME OF THE AFFIRMATIVE ACTION COMMISSION.

WHEREAS, the Affirmative Action Commission's current Rules of Procedure which were adopted by the Affirmative Action Commission on February 22, 1988, do not include a provision which allows the Commission to approve amendments to its Rules of Procedures (By-laws), and

WHEREAS, the Affirmative Action Commission has reviewed its Rules of Procedures and has recommended several amendments:

- provisions for excused or unexcused absences which mirror language in the City charter
- changes in the order of the agenda to reflect current practices and in posting and distribution of the agenda to coincide with provisions of the Brown Act and current practice
- clarification on the most usual method of action by the Commission - a motion rather than a resolution
- restrictions on the number of consecutive terms an officer may serve (Chair and Vice Chair) and methods for filing interim vacancies
- ability for the Commission to amend its own Rules of Procedure
- acknowledgement of the Commission's standing committees,

and

WHEREAS, one of the proposed amendments as noted above, would allow the Commission to have the ability to amend its own Rules of Procedures (By-laws), and

WHEREAS, there has also been some discussion on the official name of the Commission,

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

1. That the amendments as recommended and mentioned above are hereby approved.

2. That the Affirmative Action Committee is hereby authorized to amend its Rules of Procedures (By-laws) to provide that the Commission in the future shall have the ability to amend its own Rules of Procedures (By-Laws).

2. That for clarification purposes, the official name of the Commission is hereby restated: Affirmative Action Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

02/17/93 OPONOLK7/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-85

Print

A RESOLUTION AUTHORIZING A LETTER OF ACCEPTANCE TO THE MODESTO IRRIGATION DISTRICT FOR THE FINAL DESIGN PLANS OF THE TERMINAL RESERVOIR/PUMP STATION, AND PROVIDING WRITTEN AUTHORIZATION TO PROCEED TO THE BID PHASE AND CONTRACTOR SELECTION FOR THE TERMINAL RESERVOIR/PUMP STATION FOR THE DOMESTIC WATER PROJECT.

WHEREAS, the Terminal Reservoir/Pump Station will be located east of Claus Road and south of Dry Creek and will be the main storage facility for the Domestic Water Project, and

WHEREAS, the Policy Committee met on December 15, 1992, and has recommended acceptance of the Final Design Plans and Specifications for the Terminal Reservoir/Pump Station, and

WHEREAS, pursuant to Section 18.3 of the Treatment and Delivery Agreement between the Modesto Irrigation District (MID), City of Modesto, and Del Este Water Company, which provides authority for the City of Modesto and Del Este Water Company to approve or disapprove Project Milestones, the MID has formally requested acceptance of the Final Design Plans of the Terminal Reservoir/Pump Station and written authorization to proceed to the bid phase and contractor selection,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, in compliance with Section 18.3 of the Treatment and Delivery Agreement between the Modesto Irrigation District, the City of Modesto, and Del Este Water Company, the Council hereby authorizes the City Manager to write a letter to

the Modesto Irrigation District accepting the Final Design Plans of the Terminal Reservoir/Pump Station and authorizing the MID to proceed to the Bid Phase and Contractor Selection for the Terminal Reservoir/ Pump Station for the Domestic Water Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

02/16/93 OPONOL05/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-86

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A REQUEST FOR RECONVEYANCE OF NOTE AND DEED OF TRUST IN RELATION TO PLANNED-DEVELOPMENT ZONE, P-D(451). (GRAHAM DEVELOPMENT)

WHEREAS, by Council Resolution No. 88-628 which became effective on October 6, 1988, the Council approved a development plan for Planned-Development Zone, P-D(451), which included a condition (Condition 14) requiring the developer to pay 70% of the cost of upgrading the existing traffic signal at the Carver Road/Standiford Avenue intersection, and

WHEREAS, by Resolution No. 88-914 adopted by the Council on November 22, 1988, the Council approved an amendment to Condition No. 14 of the development plan for P-D(451) to allow Ernest P. Graham Development Company to place a deposit in the amount of $100,000 in lieu of completion of the final traffic signal design plans and approval thereof by the City Traffic Engineer, and

WHEREAS, the City inadvertently issued building permits without requiring the developer to make the $100,000 deposit required by Condition No. 14, as amended by Council Resolution No. 88-914, and

WHEREAS, the developer, Ernest P. Graham Development Company, signed an agreement on March 26, 1991, in which he agreed to pay by September 1, 1991, the fee for traffic mitigation

improvements at the corner of Standiford Avenue and Carver Road estimated at $100,000, interest was at the rate of 8%, and the agreement was secured by a note and deed of trust on P-D(451), and

WHEREAS, on December 10, 1991, by Resolution No. 91-765 approving an amended agreement between the City of Modesto and Ernest P. Graham Development Company, the due date was extended for said $100,000 obligation from September 1, 1991, to December 1, 1992, and

WHEREAS, in January, 1993, Mr. Graham paid off the note and deed of trust and it is now appropriate to return his security,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to sign a request for reconveyance of note and deed of trust which will authorize the title company to prepare the appropriate documents releasing Mr. Graham from the financial obligation secured by the note and deed of trust.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-87

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1993" TO BE HELD ON SATURDAY, APRIL 24TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZING THE SOLICITATION OF BIDS FOR THE PURPOSE OF ENTERING INTO A CONTRACT WITH A PRIVATE SPECIAL EVENTS COORDINATOR FOR SAID EVENT AND RESCINDING RESOLUTION NO. 92-674.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; and to solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993" as recommended by CACOR, and

WHEREAS, on December 8, 1992, the Council adopted Resolution No. 92-674 which, among other things, set "Earth Day in the Park 1993" to be held on April 4, 1993, and

WHEREAS, since that time, it has been brought to the attention of the Earth Day Steering Committee that the Modesto Bee will have an Earth Day insert in the newspaper the week of April 18-24, 1993, which would bring much needed attention and attendance to "Earth Day in the Park 1993"; and, therefore, City staff has recommended adopting a resolution changing the date of "Earth Day in the Park 1993" from April 4, 1993, to April 24, 1993, and rescinding Resolution No. 92-674,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1993" to be held on Saturday, April 24th, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to solicit bids for the purpose of entering into a contract with a private special events coordinator to coordinate all activities for "Earth Day in the Park 1993".

BE IT FURTHER RESOLVED that Resolution No. 92-674 adopted December 8, 1992, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

02/16/93 OPONOGJR/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-88

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWELVE PATROL SEDANS THROUGH THE COUNTY OF SACRAMENTO

WHEREAS, the Public Works and Transportation Department has requested the purchase of twelve patrol units to replace vehicles that are no longer serviceable; and

WHEREAS, purchasing from the State Contract and from other governmental bid contracts is in compliance with the City of Modesto's Municipal Code, Section 8-3.05(h).

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

BE IT FURTHER RESOLVED that purchase of twelve patrol sedans through the County of Sacramento for a total of $165,930.65, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-89

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $22,000 TO FUND THE PURCHASE OF TWELVE PATROL SEDANS

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

FROM:	Sweeper (720 480 5814 5599)	$16,000
	Sweeper (720 480 5814 5600)	6,000
TO:	12 Patrol Sedans (720 480 5814 5644)	$22,000

The 1992-93 Phase II budget was adopted with a budget reduction option to reduce the purchase of 12 new patrol sedans to 9. Other equipment has already been purchased and there are sufficient savings from those purchases to purchase a total of 12 patrol sedans. The additional 3 vehicles being replaced will have well in excess of 100,000 miles on them by the time the replacement vehicles arrive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** February , **19**93 , **by Councilmember** Dobbs , **who moved its adoption, which motion being duly seconded by Councilmember** Friedman , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-90

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES; ESTABLISHING DISCOUNTS FOR SENIOR AND DISABLED CITIZENS, AND RESCINDING RESOLUTION NO. 92-135.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After March 1, 1993

Size of Meter	Monthly Rate March 1, 1993
¾"	$ 11.04
1 "	14.69
1½"	18.25
2 "	22.02
3 "	29.37
4 "	38.19
6 "	57.41
8 "	73.32
10 "	88.39
12 "	103.51
The charge for each additional 100 cf over 1,680 cf on a monthly rate	.66

Commodity Charge:

For the first one thousand, six hundred eighty (1,680) cubic feet of water delivered through a water meter,

per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand, six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be sixty-six ($.66) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after March 1, 1993, shall be as follows:

Lot Area	Monthly Rate March 1, 1993
3,500 SF, or less	$14.46
3,501 to 7,000 SF	16.68
7,001 to 10,500 SF	18.69
10,501 to 14,000 SF	20.70
14,001 to 17,500 SF	24.92
17,501 to 21,000 SF	29.22
For each 3,500 SF or fraction thereof over 21,000	3.93

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5%) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:

Annual Income Levels	Discount
$ 7,560 or less	25%
$ 7,561 to $10,394	15%
$10,395 to $13,230	10%

Criteria to receive the discount is as follows:

1. Must be 60 years old.

2. Must live alone or with spouse.

3. Living with children will not qualify the household for a discount.

4. Must be able to prove the qualifying income level.

5. If living with a spouse, the combined income level will determine the level of discount.

6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.

7. All applicants must complete an application.

SECTION 4. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 92-135 adopted on March 24, 1992, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-91

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS, OR HIS AUTHORIZED DESIGNEE, TO ABANDON THE CONSTRUCTION LOAN IN THE AMOUNT OF $585,000 FROM THE STATE SAFE DRINKING WATER BOND LAW OF 1988.

WHEREAS, in September, 1990, the City Council authorized City staff to apply for funding under the State Safe Drinking Water Bond Law of 1988 to install granular activated carbon filters at two municipal well sites, and

WHEREAS, at the time, no funds were available for installation of granular activated carbon filters, and

WHEREAS, subsequently, the State Department of Water Resources approved the application for a construction loan in the amount of $585,000, for the purpose of providing low interest loans to water systems that do no otherwise have sources of funds for needed improvements to their water system, and

WHEREAS, in 1992, the City of Modesto sold $25,000,000 in bonds for 1992-1997 Water Capital Improvement Projects, which financing included funds for wellhead treatment projects; said funds are available now, making an additional incurrence of debt unnecessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Works Director, or his authorized designee, is hereby authorized to abandon the construction loan in the amount of $585,000 from the State Safe Drinking Water Bond Law of 1988.

BE IT FURTHER RESOLVED that the Public Works Director, or his authorized designee, is hereby directed to notify the Department of Water Resources of the action taken by the Council to abandon said loan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-92

A RESOLUTION ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE CITY OF VIJAYAWADA, INDIA.

WHEREAS, the International Friendship Committee has been authorized to implement and assume the responsibility of carrying out the Sister City Program and has been working with Vijayawada, India to develop a sister city relationship since November of 1989, and

WHEREAS, by a report dated March 9, 1992, the Committee has recommended to the City Council that a formal sister city relationship be established with the City of Vijayawada, India, and

WHEREAS, in a letter dated April 22, 1991, the City of Vijayawada International Friendship Committee expressed their interest in entering into a sister city relationship with the City of Modesto, and

WHEREAS, from January 26, 1992, to February 6, 1992, John Mensinger and Connie Harris, on behalf of Modesto's International Friendship Committee, made an official visit to Vijayawada and reported the visit a great success, and

WHEREAS, the Vijayawada International Friendship subcommittee recommended that Modesto enter into a sister city agreement with the City of Vijayawada, India, and

WHEREAS, the City of Modesto also received letters in support of establishing the sister city relationship between

Vijayawada and Modesto from the Mayor of Vijayawada dated May 3, 1992, and the Commissioner of Vijayawada dated June 2, 1992, and

WHEREAS, the International Friendship Committee has set forth criteria for establishing a sister city relationship, which have been met by Vijayawada, India, and which consist of: serious commitment on the part of the proposed sister city; strong local interest in and convenience of access to the proposed sister city; unique characteristics of the city; and availability of educational resources for the language and/or culture of the proposed sister city, and

WHEREAS, sister city affiliations are designed to improve relations and communications between Americans and the people of other lands, to establish lasting two-way relationships from which international friendship and understanding can grow, and to develop a united strength to maintain world peace, and

WHEREAS, the City of Vijayawada and the City of Modesto are cities of similar standing and importance and have certain things in common: both cities are regional centers for transportation, education, retail trade, agriculture, health care, industry, journalism, and government, and both have many civic minded citizens, and

WHEREAS, acting in the spirit of friendly international relations between the cities, it is proposed that a sister city relationship of the two cities be based on the following understanding:

1. That there will be an exchange of official delegations, representatives of public organizations, specialists in different fields of national economy, tourists groups, amateur artists, and sportsmen, and

2. That there will be an exchange of general information about the life of the two cities and their inhabitants, the activities of the local authorities, which will promote mutual acquaintance with the experience acquired in the following different fields of life, such as: municipal services, improvement of the cities' territories, protection of environment, industry, transportation, health service, education, trade, culture, sports, social security and organization of leisure time of the population, and

WHEREAS, the City of Modesto is desirous of establishing such a sister city relationship with the City of Vijayawada, India,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the establishment of a sister city relationship with the City of Vijayawada, India, based on the understanding stated above.

BE IT FURTHER RESOLVED that the International Friendship Committee is hereby requested to take appropriate steps to further the sister city relationship between the Cities of Modesto and Vijayawada.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-93

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $263,538 OF PROJECT SAVINGS TO CURRENT CIP ACCOUNTS BUDGETED WITH GAS TAX FUNDS

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

FROM:	Residential Overlays (070 430 B007)	$137,417
	Cape Seals (070 430 B009)	46,121
	Coffee/Sylvan Intersection (070 430 B901)	80,000
TO:	Whitmore/TSRR Crossing (070 430 G509)	$ 35,000
	Pavement Maintenance (070 430 C737	228,538

This transfer will allow the City to utilize savings from previous projects and take advantage of favorable bid prices and economy of scale. If the savings were rebudgeted for the 1994 C.I.P., they would not be utilized until the 1994 construction season.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** February , 19 93 , **by Councilmember** Dobbs , **who moved its adoption, which motion being duly seconded by Councilmember** Friedman , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-94

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ALBERTA MARTONE FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE FEBRUARY 23, 1993

WHEREAS, Alberta Martone was appointed a member of the International Friendship Committee on January 22, 1991; and

WHEREAS, Alberta Martone has tendered her resignation from the International Friendship Committee, effective February 23, 1993; and

WHEREAS, Alberta Martone has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Alberta Martone from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Alberta Martone for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-95

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR THE CLAUS ROAD BRIDGE WIDENING

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

SECTION 1. The specifications for the Claus Road bridge widening , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 1, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs,, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-96

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR FURNISHING LAWN AND TURF EQUIPMENT

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

SECTION 1. The specifications for furnishing lawn and turf equipment , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 22, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-97

Print

A RESOLUTION ACCEPTING THE BID OF MITCHELL'S MODESTO HARLEY DAVIDSON FOR FURNISHING SEVEN NEW POLICE MOTORCYCLES

WHEREAS, Resolution No. 93-17 **, adopted by the Council of the City of Modesto on** January 5 **, 19** 93 **, approved the plans and specifications for** furnishing seven new police motorcycles

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing seven new police motorcycles **were opened at** 11:00 a.m. **on** February 1, **19** 93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Mitchell's Modesto Harley Davidson **in the amount of** $59,850 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell's Modesto Harley Davidson **in the amount of** $59,850 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd **day of** March **,** 19 93 **, by Councilmember** Muratore**, who moved its adoption, which motion being duly seconded by Councilmember** Patterson**, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Marsine Gayle

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-98

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STORER TRANSIT SERVICES TO OPERATE THE MODESTO-STANISLAUS DIAL-A-RIDE SERVICE FOR FIVE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Storer Transit Services to operate the Modesto-Stanislaus Dial-A-Ride service for five years

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd **day of** March **,** 19 93 **, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Patterson **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-99

Print

A RESOLUTION ACCEPTING THE CONTRACT TO REMOVE AND REPLACE UNDERGROUND TANKS AT DRYDEN GOLF COURSE MAINTENANCE FACILITY AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the contract to remove and replace underground tanks at Dryden Golf Course Maintenance Facility has been completed by Marine 88, Inc. in accordance with the contract agreement dated May 26, 1992.

NOW, THEREFORE, BE IT RESOLVED that the contract to remove and replace un-erground tanks at Dryden Golf Course Maintenance Facility

be accepted from said contractor, Marine 88, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $24,955 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-100

A RESOLUTION ACCEPTING THE MCHENRY MANSION RESTORATION PHASE III PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the McHenry Mansion Restoration Phase III project

has been completed by Champion Industrial Contractors

in accordance with the contract agreement dated June 8, 1992.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Restoration Phase III project

be accepted from said contractor, Champion Industrial Contractors; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $96,072 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-101

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HART RANSOM UNION SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hart Ransom Union School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-102

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN UNION SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan Union School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-103

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EMPIRE UNION SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Empire Union School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-104

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS UNION SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Union School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-105

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SALIDA SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Salida Union School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-105A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT FOR THE COLLECTION OF SCHOOL FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District for the collection of school fees be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-106

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE RIVERDALE COMMUNITY SERVICE DISTRICT TO PROVIDE WATER SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Riverdale Community Service District to provide a back-up water service by an extension of a waterline on Hatch Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-107

Print

A RESOLUTION APPOINTING COUNCILMEMBER FRANK MURATORE AS MEMBER OF THE JOINT POWERS AUTHORITY (JPA) FOR THE TURLOCK IRRIGATION DISTRICT AREA SURFACE WATER PROJECT AND APPOINTING COUNCILMEMBER RICHARD PATTERSON AS ALTERNATE

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

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

SECTION 1. That Councilmember Frank Muratore be appointed as member of he Joint Powers Authority (JPA) for the Turlock Irrigation District area surface water project and Councilmember Richard Patterson be appointed as alternate member.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Joint Powers Authority (JPA) and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-108

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND RUSSELL L. MILLER FOR THE PURPOSE OF REHABILITATING PROPERTIES PURSUANT TO THE CITY'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Russell l. Miller for the purpose of rehabilitating properties pursuant to the City's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-109

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD M. GUERRA FOR THE PURPOSE OF REHABILITATING PROPERTIES PURSUANT TO THE CITY'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Richard M. Guerra for the purpose of rehabilitating properties pursuant to the City's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-110

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WISE CONSULTING SERVICES FOR DEVELOPMENT OF AN INFORMATION SYSTEMS MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wise Consulting Services for development of an Information Systems Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION 93-111

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO APPROPRIATE A NEW PROJECT IN FUND 130 - INFOMATION SYSTEMS MASTER PLAN.

WHEREAS, this resolution approves a new project titled Information System Master Plan.

WHEREAS, funds for the project will be provided by Fund 130, Special Fund for Capital Outlays.

THEREFORE, the following adjustment is necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
130-020-C214-6010	Information System Master Plan	$27,500.
130-800-8000-8003	Special Fund for Capital Outlays	($27,500.)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

17a

MODESTO CITY COUNCIL
RESOLUTION NO. 93-112

Print

A RESOLUTION APPOINTING HOLLY BERRETT TO THE PLANNING COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Planning Commission for the respective term as indicated:

Holly Berrett
1720 Shadewood Drive
Modesto, Ca. 95353

Term to expire 1/1/97

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-113

A RESOLUTION APPOINTING DON MONACO TO THE AIRPORT ADVISORY COMMITTEE

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

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

Donald Monaco
501 Stewart Street
Modesto, Ca. 95356

Term expires: 1/1/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Airport Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Committees

17c

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-114

A RESOLUTION APPOINTING YVONNE MILLER TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

Yvonne Miller
1528 Higbee Drive
Modesto, Ca. 95350

Term expires: 1/1/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Committees

17 d

MODESTO CITY COUNCIL
RESOLUTION NO. 93-115

Print

A RESOLUTION APPOINTING HANNAH PARRIS TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

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

Hannah Parris
1700 Ensenada Drive
Modesto, Ca. 95355

Term expires: 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the International Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Committees

11c

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-116

A RESOLUTION APPOINTING LINDA REESE TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Economic Development Loan Committee for the respective term as indicated:

Linda Reese
607 California Avenue
Modesto, Ca. 95351

Term expires: 1/1/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Economic Development Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Committees

MODESTO CITY COUNCIL
RESOLUTION NO. 93-117

Print

A RESOLUTION REAPPOINTING MARJORIE BAKER TO THE CULTURE COMMISSION

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

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

SECTION 1. Marjorie Baker is hereby reappointed to the Culture Commission, term to expire 1/1/97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-118

A RESOLUTION REAPPOINTING FRANK RUGGIERI AND DENNIS WILSON TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

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

SECTION 1. Frank Ruggieri and Dennis Wilson are hereby reappointed to the Downtown Improvement District Advisory Board, terms to expire 1/1/97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-119

A RESOLUTION REAPPOINTING CORRINE ROWE AND MARTHA COWDREY TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Corrine Rowe and Martha Cowdrey are hereby reappointed to the Landmark Preservation Commission, terms to expire 1/1/97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-120

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE SEWER RODDING TRUCK

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

SECTION 1. The specifications for furnishing one sewer rodding truck , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 29, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-121

Print

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER AND MINENI CONSTRUCTION FOR THE INSTALLATION OF WATER TANK NO. 5

WHEREAS, Resolution No. 93-52 **, adopted by the Council of the City of Modesto on** February 2 **, 19**93 **, approved the plans and specifications for** the installation of Water Tank No. 5

and authorized the calling for bids; and

WHEREAS, the bids received for the installation of Water Tank No. 5

were opened at 11:00 a.m. **on** February 25, **19**93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Scrimsher and Mineni Construction in the amount of $615,184 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher and Mineni Construction in the amount of $615,184 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** March **,** 19 93 **, by Councilmember** Friedman, **who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-122

Print

A RESOLUTION ACCEPTING THE REROOFING OF THE DOWNTOWN SHOP AT 621 11TH STREET AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the reroofing of the Downtown Shop at 621 11th Street

has been completed by C.W. Delta Roofing, Inc.
in accordance with the contract agreement dated October 22, 1991.

NOW, THEREFORE, BE IT RESOLVED that the reroofing of the Downtown Shop at 621 11th Street

be accepted from said contractor, C.W. Delta Roofing, Inc.;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $25,075 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, ACTING CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 93-123

Print

A RESOLUTION ACCEPTING THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Johansen High School pedestrian overcrossing

has been completed by Pollock and Denico, Inc.

in accordance with the contract agreement dated May 19, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Johansen High School pedestrian overcrossing

be accepted from said contractor, Pollock and Denico, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $985,591.28 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-124

A RESOLUTION ADOPTING THE HOME INVESTMENT PARTNERSHIP ACT GRANT PROGRAM DESCRIPTION FOR PROGRAM YEAR 1993/1994, JULY 1, 1993, TO JUNE 30, 1994, AND AUTHORIZING THE CITY MANAGER TO FILE THE APPLICATION, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DESIGNATING THE CITY MANAGER TO ACT IN CONNECTION WITH THE APPLICATION AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED.

WHEREAS, the City Council of the City of Modesto has established that the development of affordable housing is of high priority, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's HOME Investment Partnership Act Grant allocation for the Fiscal Year 1993-1994 will be $470,000, and

WHEREAS, the Comprehensive Housing Affordability Strategy, a prerequisite to the HOME application, was approved by the City Council by Resolution No. 92-127 on March 17, 1992, and by HUD on April 10, 1992, and the 1993 update therefrom was submitted to HUD on December 21, 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1993-1994 HOME Investment Partnership Act Grant Program Description and Application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application,

including all understandings, assurances and certifications contained therein, with the U.S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-125

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $200,000 TO PROVIDE FUNDING TO PAY FOR OUTSIDE LEGAL SERVICES PERTAINING TO THE WATER FUND

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

FROM:	Water Reserves	$200,000
TO:	Water System Legal Services (610 480 C213 6010)	$200,000

Additional funds are required to pay outside legal services which have been authorized by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** March **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-126

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

NEIGHBORHOOD PRESERVATION SUPERVISOR

The specifications for the classification of Neighborhood Preservation Supervisor (Range 430), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to

abolish the following classification:

ZONING INSPECTOR

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 9, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

03/04/93--CA

NEIGHBORHOOD PRESERVATION SUPERVISOR

DEFINITION

To manage, direct and coordinate the activities of the Neighborhood Preservation Unit; to perform the more difficult and complex level assignments of this unit including preparation and analysis of policy and ordinance changes and the investigation of the most troublesome complaints and violations; to perform a variety of technical tasks relative to assigned area of responsibilities; and to provide information to the general public on various codes and regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Principal Planner.

Exercises direct supervision over enforcement and support staff.

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

Supervise and participate in the work involved in enforcement of and compliance with zoning, neighborhood preservation, water conservation, and grafitti abatement ordinances; conduct follow-up investigations to ensure compliance with code or ordinance.

Identify corrective actions to be taken by owner; monitor changes to ensure conformance with codes and regulations.

Provide information to violators and the general public regarding codes, laws and ordinances.

Document and maintain records of code enforcement activities; prepare a variety of written reports, memos and correspondence.

Coordinate and prepare municipal code text amendments and policy studies and analysis related to the programs of the unit.

Prepare, implement and monitor programs to support enforcement of city-wide programs such as required landscaping, conditions of planned developments, conditional use permits and variances; city-wide abatement program for nonconforming signs, sign permits, water conservation, and grafitti abatement.

Issue building permits for signs which conform; maintain an inventory of signs in commercial and residential areas.

Interpret architectural drawings and blue prints to insure conformity with the municipal code; meet with the public and developers on-site to insure conformity.

Work with the City Attorney's office on code violations; appear

EXAMPLES OF DUTIES

in court to testify as a witness to the violation; maintain files of pending and past legal actions and their resolutions.

Work with other departments on common enforcement problems and investigations.

Study and keep abreast of applicable ordinances, Planning Commission minutes, Board of Zoning Adjustment minutes and other correspondence and directives necessary for current knowledge of departmental objectives, studies and projects.

Issue permits to commercial business for outdoor displays and promotions.

Plan, prioritize, assign, supervise and review the work of the Code Enforcement Officers.

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

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

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Safe and efficient work practices as they relate to code enforcement.

Basic principles, practices and techniques of code enforcement.

General city services and municipal organizational structure as they relate to code enforcement.

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

City services and municipal organizational structure as they relate to code enforcement.

Blueprint symbols, architectural and engineering scales.

Municipal code, current policy and past precedents.

Law enforcement and investigative techniques.

Principles of supervision, training and performance evaluation.

Ability to:

Coordinate services and enlist the support of other City departments and other governmental agencies.

Enforce regulations with firmness and deal tactfully and effectively with the public.

Enforce pertinent codes, ordinances, laws and regulations with impartiality and efficiency.

Inspect and identify violations of code.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

Exercise sound, independent judgment within general policy guidelines.

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

Experience and Training:

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

Experience:

Three years of experience in interpretation and enforcement of public nuisance, neighborhood preservation, water conservation, or zoning codes and regulations.

Training:

Equivalent to an Associate of Arts Degree from an accredited college or university with major course work in Business Administration, Public Administration, Administration of Justice, Planning, or a related field.

License or Certificate:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 93-127

Print

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, IN PART, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES".

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, and 93-39, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 9, 1993," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications for Neighborhood Preservation Supervisor at range 430 and abolishes class specifications for Zoning Inspector.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 9, 1993.

03/04/93--CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

03/04/93--CA

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

Effective March 9, 1993

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Word Processing Technician I Administrative Clerk II (Confidential)
408	
409	
410	
411	Word Processing Technician II Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Senior Word Processing Technician Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	

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

Effective March 9, 1993

RANGE	TITLE
420	Worker's Compensation Claims Representative Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor

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

Effective March 9, 1993

RANGE	TITLE
431	Administrative Analyst II
	Affirmative Action Officer
	Personnel Analyst
	Training Coordinator
	Assistant Risk Manager
	Recycling Program Coordinator
	Budget Analyst
432	Plant Mechanic Supervisor
	Recreation Supervisor II
	Historical Buildings Supervisor
	Senior Accountant
	Youth Program Supervisor
	Industrial Waste Supervisor
433	Assistant Civil Engineer
	Laboratory Supervisor
	Assistant Traffic Engineer
434	Senior Programmer Analyst
	Electrical Supervisor
	Assistant Equipment Maint. Supv.
	Engineering Systems Manager
	Sr. Housing Rehab. Specialist
	Public Works Supervisor II
	Secondary Treatment Site Supv.
	Parks Maintenance Supervisor II
	Events Coordinator
	Operations Supervisor
	Landscape Designer
	Arborist
	Trees Maintenance Supv. II
	Land Surveyor
	Equipment Maintenance Supervisor II

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

Effective March 9, 1993

RANGE	TITLE
435	Management Analyst
	Deputy City Attorney I
	Senior Personnel Analyst
	Public Information Officer
	Public Services Supervisor
	Budget Officer
	Financial Analyst
	Administrative Services Officer
	Integrated Waste Specialist
436	Senior Planner
	Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt.
	Asst. Water Quality Control Supt.
	Transportation Planner
	Housing Program Supervisor
439	Deputy City Attorney II
	Associate Civil Engineer
	Associate Traffic Engineer
440	Principal Accountant
	Purchasing Officer
441	Community Development Program Manager
	Sr. Deputy City Attorney I
	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Maintenance Supt.
	Parking & Traffic Supt.
	Parks Maintenance Supt.
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Golf Superintendent
	Fleet Manager
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent

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

Effective March 9, 1993

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir.
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-128

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM G., ELENA A. AND RAYMOND F. RIFENBURG FOR THE ACQUISITION OF 1,489+ SQUARE FEET OF THEIR PROPERTY NEEDED TO WIDEN SCENIC AVENUE (1448 SCENIC DR.)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William G., Elena A. and Raymond F. Rifenburg for the acquisition of 1,489+ square feet of their property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** March **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Bird, Dobbs, Patterson

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

13

MODESTO CITY COUNCIL
RESOLUTION NO. 93-129

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM G., ELENA A. AND RAYMOND F. RIFENBURG FOR THE ACQUISITION OF 2,600+ SQUARE FEET OF THEIR PROPERTY NEEDED TO WIDEN SCENIC AVENUE (1432 SCENIC DR.)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William G., Elena A. and Raymond F. Rifenburg for the acquisition of 2,600± square feet of their property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs, Patterson

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-130

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN MANCHESTER COURT SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, LYON/RESOURCE DEVELOPMENT ASSO. , subdividers of Manchester Court Subdivision , have filed subdivision bonds for faithful performance and labor and materials in the amount of $46,400.00 and $ 23,200.00 respectively to guarantee improvements in Manchester Court Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated February 25, 1993, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Manchester Court Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $46,400.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $23,200.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March , 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-131

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF LATHROP FOR THE USE OF THE CITY OF MODESTO'S PROPERTY AGENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Lathrop for the use of the City of Modesto's property agent

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bird, Dobbs, Patterson

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-132

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PRO SPORTS MARKETING TO ORGANIZE AND SUPERVISE ALL ASPECTS OF A YOUTH SUMMER FOOTBALL CAMP

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pro Sports Marketing to organize and supervise all aspects of a Youth Summer football camp

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th **day of** March **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Cogdill, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Bird, Dobbs, Patterson

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-133

A RESOLUTION ACCEPTING A GRANT OFFER OF STATE FUNDING, APPROVING THE GRANT AGREEMENT FOR FUNDING FOR URBAN FORESTRY ACTIVITIES, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PROJECT AGREEMENT.

WHEREAS, on February 9, 1993, the City Council authorized the City Manager to sign an application to the State of California Department of Forestry and Fire Protection for funding from the Federal Small Business Administration 1993 Tree Planting Program, and

WHEREAS, recently, City staff was notified that funding is not available for the City of Modesto planting of street trees project next year; however, $46,710 is currently available, with a 20% cash match of $9,342 which is required, if the City is able to complete the project by August 31, 1993, and

WHEREAS, City staff has received approval from the State for an amended project scope, and City staff in a report dated March 9, 1993, from the Parks and Recreation Department, indicates the scope of the project and indicates that staff is anxious to move forward in order to meet project deadlines,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto of the State of California that the City of Modesto does hereby accept the $46,710 in State grant funding, and the City Manager is hereby authorized to sign project agreement number 8CA27875 between the City of Modesto and the Department of Forestry and Fire Protection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Judy C. Hall
JUCY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CERTIFICATION

The foregoing resolution is certified to be a true copy of a resolution duly adopted by the City Council of the City of Modesto on March 9, 1993.

CITY OF MODESTO, a municipal corporation

Judy C. Hall

JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-134

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE GRANT REVENUE AND APPROPRIATE FUNDING FOR THE REQUIRED MATCH.

WHEREAS, the City was awarded $46,710 in grant funding by the State through the Federal Small Business Administration 1993 Tree Planting Program, and

WHEREAS, this grant requires a 20% cash match, or $9,342, and

WHEREAS, savings in the salary account in organization 3113 will provide the match, and

WHEREAS, this grant will be budgeted in organization 3213, object 0235, Services Professional and Other because the tree purchase and planting will be subcontracted out.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

GENERAL FUND

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
010-310-3113-0110	Salaries-Regular	($9,342)
010-320-3213-0240	Intergovernmental Services	$9,342
010-320-3213-0235	Services Professional & Other	$46,710
Revenues		
010-320-3213-3134	State Grant-Parks	$34,710

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-135

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ANNUAL SEWER REHABILITATION PROJECT - COLDWELL AVENUE BETWEEN HACKBERRY AVENUE AND ENSLEN AVENUE AND HELEN AVENUE BETWEEN MCHENRY AVENUE AND ILA WAY

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

SECTION 1. The specifications for the annual sewer rehabilitation project - Coldwell Avenue between Hackberry Avenue and Enslen Avenue and Helen Avenue between McHenry Avenue and Ila Way, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 1, 1993, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-136

A RESOLUTION ACCEPTING THE BID OF CALIFORNIA SURVEYING AND DRAFTING SUPPLY FOR FURNISHING TOTAL SURVEYING STATION EQUIPMENT

WHEREAS, Resolution No. 93-63 , adopted by the Council of the City of Modesto on February 9 , 19 93 , approved the plans and specifications for total surveying station equipment

and authorized the calling for bids; and

WHEREAS, the bids received for total surveying station equipment

were opened at 11:00 a.m. on March 1, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of California Surveying and Drafting Supply in the amount of $10,929

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of California Surveying and Drafting Supply in the amount of $10,929 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March , 19 93 , by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-137

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT DISTRICT NO. 29 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Improvement District No. 29

has been completed by Western Stone Products, Inc.
in accordance with the contract agreement dated June 25, 1991.

NOW, THEREFORE, BE IT RESOLVED that the construction of Improvement District No. 29

be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $490,817.57 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1993 by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-138

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $268,000 FROM CONTINGENCY RESERVE FOR ENGINEERING DESIGN OF SANITARY SEWER TRUNKS THROUGH VILLAGE ONE

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

FROM:	Sewer Fund Contingency Reserve (621 800 8000 8003)	$268,000
TO:	Sonoma Sewer Trunk - Engineer	$ 71,500
	Sonoma Sewer Trunk- ROW	36,000
	Lakewood Sewer Trunk - Engineer	96,500
	Lakewood Sewer Trunk - ROW	64,000

Funds are needed for two Capital Improvement Projects in Village One: $107,500 for the Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue; and $160,500 to expand the existing Lakewood Sewer Trunk Extension project (from Briggsmore to Floyd) to include extension to Sylvan Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th **day of** March **, 19** 93 **, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-139

Print

A RESOLUTION AUTHORIZING AN INFORMAL SELECTION PROCESS FOR CONSULTANT SERVICES LIMITED TO LOCAL ENGINEERING FIRMS TO PREPARE PLANS, SPECIFICATIONS, AND BID DOCUMENTS FOR THE SONOMA TRUNK FROM FLOYD AVENUE TO SYLVAN AVENUE AND THE LAKEWOOD TRUNK FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE THROUGH VILLAGE ONE.

WHEREAS, the Facilities Master Plan for Village One establishes the location and projected cost for the Sonoma and Lakewood sanitary sewer trunks through Village One, and

WHEREAS, before the sewer trunks may be installed, detailed construction plans must be prepared and acquisition of easements or fee right-of-way must be obtained, and

WHEREAS, consultant services for preparation of construction plans, specifications, and bid documents will include design services to analyze future sewage flow from north of Village One, and

WHEREAS, to select a consultant, consultant proposals for services to perform the following are needed:

1. Design of the Sonoma and Lakewood Sewer Trunks following the alignment as shown in the Facilities Master Plan except where necessary to follow the new street alignments currently being redesigned as directed at the December 15, 1992, City Council meeting.

2. An alternate design for use of PVC pipe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an informal selection process for consultant services limited to local engineering

firms to prepare plans, specifications, and bid documents for the Sonoma Trunk from Floyd Avenue to Sylvan Avenue and the Lakewood Trunk from Briggsmore Avenue to Sylvan Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-140

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO THE MODESTO STANDARD SPECIFICATIONS EXPOSED AGGREGATE SIDEWALK STANDARDS REQUIREMENT FOR A 32-FOOT LENGTH SIDEWALK AT 1720 "G" STREET IN THE CITY OF MODESTO. (C.M. (MEL) PACE, INC., FOR PRATT & NAVARRO ARCHITECTURE)

WHEREAS, the City Council adopted a resolution in December of 1979 adding the Exposed Aggregate Sidewalk Standard to the Modesto Standard Specifications, and

WHEREAS, Section 3.27 of the Modesto Standard Specifications requiring exposed aggregate sidewalks provides that proposed changes to this pattern, or substitution of materials, shall be considered on a case by case basis, and provides that the Downtown Improvement District Board of Directors shall provide the initial review and recommendation to the City Council, and City staff shall make a recommendation as well, and

WHEREAS, due to a misunderstanding between a contractor, D.M. (Mel) Pace, Inc., and owners, Pratt & Navarro Architecture, an encroachment permit was not obtained in advance of replacing a 32-foot length of walk which does not conform to the aggregate sidewalk standards requirements of the Modesto Standard Specifications, and

WHEREAS, after construction of said 32-foot length of walk without said encroachment permit, and which does not conform

to the requirements of the Standard Specifications, a request for a 32-foot length variance to the sidewalk standards has been filed by C.M. (Mel) Pace, Inc., for Pratt and Navarro Architectural Offices at 1720 "G" Street, and

WHEREAS, the Board of Directors of the Downtown Improvement District has recommended that the requested sidewalk variance as noted above should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of C.M. (Mel) Pace, Inc., for Pratt and Navarro Architectural Offices, for a variance to the Modesto Standard Specifications Exposed Sidewalk Standards relating to the replacement of a 32-foot length sidewalk on property located at 1720 "G" Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-141

A RESOLUTION ACCEPTING THE RESIGNATION OF HOLLY BERRETT FROM THE PLANNING COMMISSION, EFFECTIVE MARCH 16, 1993

WHEREAS, Holly Berrett was appointed a member of the Planning Commission on March 2, 1993; and

WHEREAS, Holly Berrett has tendered her resignation from the Planning Commission as of March 16, 1993.

NOW, THEREFORE BE IT RESOLVED that the resignation of Holly Berrett from the Planning Commission be, and hereby is accepted.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Holly Berrett for her desire to serve the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of March, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-142

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW GONDOLA DUMP TRUCK

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

SECTION 1. The specifications for the purchase of one new gondola dump truck , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 12, 1993 , at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March 19 93 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-143

Print

A RESOLUTION ACCEPTING THE BID OF GLEN WILSON TRUCKING, INC. FOR INSTALLATION OF ADDITIONAL RIP RAP AT STORAGE PONDS ON JENNINGS ROAD

WHEREAS, Resolution No. 93-80 **, adopted by the Council of the City of Modesto on** February 16 **, 19**93 **, approved the plans and specifications for** the installation of additional rip rap at storage ponds on Jennings Road **and authorized the calling for bids; and**

WHEREAS, the bids received for the installation of additional rip rap at storage ponds on Jennings Road **were opened at** 11:00 a.m. **on** March 11, **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Glen Wilson Trucking, Inc. in the amount of $24,979.50 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Glen Wilson Trucking, Inc. in the amount of $24,979.50 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** March **,** 19 93 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-144

Print

A RESOLUTION ACCEPTING THE PELTON AVENUE IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Pelton Avenue improvements

has been completed by Ragsdale & Son, Inc.
in accordance with the contract agreement dated August 11, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Pelton Avenue improvements

be accepted from said contractor, Ragsdale & Son, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $29,878.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-145

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,500 FOR PELTON AVENUE IMPROVEMENTS

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

FROM:	Miscellaneous Resurfacing (070 430 C713 6040)	$2,500
TO:	Pelton Avenue Improvements (070 430 B524 6050)	$2,500

Additional work to replace the deteriorated condition of the adjacent roadway resulted in a shortfall to the approved budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** March **,** 19 93**, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

7

MODESTO CITY COUNCIL
RESOLUTION NO. 93-146

Print

A RESOLUTION ACCEPTING THE SECONDARY WASTEWATER TREATMENT PLANT ROAD REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the secondary wastewater treatment plant road rehabilitation

has been completed by Western Stone Products, Inc.
in accordance with the contract agreement dated August 11, 1992.

NOW, THEREFORE, BE IT RESOLVED that the secondary wastewater treatment plant road rehabilitation

be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $128,957.80 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-147

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CARPENTER ROAD FROM MAZE BOULEVARD TO KANSAS AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Carpenter Road from Maze Boulevard to Kansas Avenue has been completed by George Reed, Inc. in accordance with the contract agreement dated June 9, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of Carpenter Road from Maze Boulevard to Kansas Avenue be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $986,106.24 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-148

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIXTEEN TRUCKS OF VARIOUS SIZES THROUGH THE STATE OF CALIFORNIA COOPERATIVE PURCHASING CONTRACT

WHEREAS, the Public Works and Transportation Department has requested the purchase of sixteen trucks of various sizes to replace trucks that possess high mileage and have unacceptable downtimes for repairs; and

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

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

BE IT FURTHER RESOLVED that purchase of sixteen trucks through the State of California Cooperative Purchasing Contract in the amount of $205,062.12 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Revised 4/1/93

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-149

A RESOLUTION SETTING PRIORITIES FOR PROJECTS TO BE INCLUDED IN THE CITY'S SUBMITTAL FOR TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROJECTS AND COMMITMENT TO PROVIDING THE LOCAL MATCH AS NECESSARY.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment, and through this program, ISTEA reflects a growing recognition that transportation programs vital to national mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, transportation enhancement funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities. Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, City has been asked to identify projects which are appropriate to be included for consideration for TEA funding, and

WHEREAS, City Public Works staff has met with staff

from Parks and Recreation and Planning and Community Development Departments and said departments have assembled the projects as noted below which would be eligible for TEA funding:

	Project	Est. Total Project Cost	Tea Portion
1.	Tuolumne River Regional Park Land Acquisition	$700,000	$560,000
2.	Dry Creek Regional Park Trail System	$572,000	$503,360
3.	Neighborhood Telecommute Office	$150,000	$ 30,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby sets the priorities for projects to be included in the City's submittal for Transportation Enhancement Activities Projects as set forth on Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and hereby states its commitment to providing the local match as necessary.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute and submit any and all documentation in relation to Transportation Enhancement Grant Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO TRANSPORTATION ENHANCEMENT (TEA) PROJECTS

1. Tuolumne River Regional Park Land Acquisition

   Description: This project proposes to purchase 79.6 acres of land north of the Tuolumne River between two existing sections of the Tuolumne River Regional Park. This portion will serve as the downtown focal point of th Regional Park and will tie existing parts together. This project would b an effort of the Tuolumne River Regional Park Committee, an agency comprised of the County of Stanislaus, the City of Modesto, and the City of Ceres. The City of Modesto provides staff and general day-to-day supervision of the operations of the Regional Park.

2. Dry Creek Regional Park Trail System

   Description: This project proposes to develop approximately 3 miles of pedestrian/Class I bicycle trails along the south bank of Dry Creek from El Vista Avenue to the eastern side of Claus Road through the Dry Creek Regional Park and along a dedicated trail easement.
   A Class I bicycle trail exists within the park which connects from La Loma and Morton Avenues to the El Vista bridge. A grant funded project currently underway will provide an undercrossing at El Vista Avenue. Completing the proposed additional three miles will allow a pedestrian or bicyclist to travel from Claus Road on the east side of town almost to downtown Modesto without being on any surface streets.

3. Neighborhood Telecommute Office

   Description: Caltrans has approached the City about setting up a demonstration project for a neighborhood telecommute office. This office would be located adjacent to high-density residential to allow residents to walk to their work site to telecommute. The purpose of the demonstration project is to test whether telecommuting can significantly decrease vehicle trips. Caltrans requires 20% local matching funds.

Revised

MODESTO CITY COUNCIL
RESOLUTION NO. 93-149

A RESOLUTION SETTING PRIORITIES FOR PROJECTS TO BE INCLUDED IN THE CITY'S SUBMITTAL FOR TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROJECTS AND COMMITMENT TO PROVIDING THE LOCAL MATCH AS NECESSARY.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment, and through this program, ISTEA reflects a growing recognition that transportation programs vital to national mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, transportation enhancement funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities. Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, City has been asked to identify projects which are appropriate to be included for consideration for TEA funding, and

WHEREAS, City Public Works staff has met with staff from Parks and Recreation and Planning and Community Development

Departments and said departments have assembled the projects as noted below which would be eligible for TEA funding:

	Project	Est. Total Project Cost	Tea Portion
1.	Tuolumne River Regional Park Land Acquisition	$700,000	$560,000
2.	Dry Creek Regional Park Trail System	$572,000	$503,360
3.	Neighborhood Telecommute Office	$150,000	$ 30,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby sets the priorities for projects to be included in the City's submittal for Transportation Enhancement Activities Projects as set forth on Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and hereby states its commitment to providing the local match as necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO TRANSPORTATION ENHANCEMENT (TEA) PROJECTS

1. Tuolumne River Regional Park Land Acquisition

   Description: This project proposes to purchase 79.6 acres of land north of the Tuolumne River between two existing sections of the Tuolumne River Regional Park. This portion will serve as the downtown focal point of the Regional Park and will tie existing parts together. This project would be an effort of the Tuolumne River Regional Park Committee, an agency comprised of the County of Stanislaus, the City of Modesto, and the City of Ceres. The City of Modesto provides staff and general day-to-day supervision of the operations of the Regional Park.

2. Dry Creek Regional Park Trail System

   Description: This project proposes to develop approximately 3 miles of pedestrian/Class I bicycle trails along the south bank of Dry Creek from El Vista Avenue to the eastern side of Claus Road through the Dry Creek Regional Park and along a dedicated trail easement.
   A Class I bicycle trail exists within the park which connects from La Loma and Morton Avenues to the El Vista bridge. A grant funded project currently underway will provide an undercrossing at El Vista Avenue. Completing the proposed additional three miles will allow a pedestrian or bicyclist to travel from Claus Road on the east side of town almost to downtown Modesto without being on any surface streets.

3. Neighborhood Telecommute Office

   Description: Caltrans has approached the City about setting up a demonstration project for a neighborhood telecommute office. This office would be located adjacent to high-density residential to allow residents to walk to their work site to telecommute. The purpose of the demonstration project is to test whether telecommuting can significantly decrease vehicle trips. Caltrans requires 20% local matching funds.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-150

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DIRECTING THE COUNTY CLERK TO CONDUCT THE CITY OF MODESTO'S NOVEMBER 1993 REGULAR ELECTION, AND RUN-OFF ELECTION IF REQUIRED, BY MAIL.

WHEREAS, the State of California has enacted a pilot project for holding regular elections by mail in Placer County and Stanislaus County, pursuant to Section 1340.5 of the California Elections, the provisions of said section which shall remain in effect until January 1, 1995, and

WHEREAS, the Council desires to conduct the City of Modesto's November 1993 regular election, and run-off election if required, by mail, as such elections tend to generate increased voter participation and reduced election costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 1340.5 of the California Elections Code, the Council hereby directs the County Clerk to conduct the City of Modesto's November 1993 regular election, and run-off election if required, by mail.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to furnish a certified copy of this resolution to Karen Mathews, the Stanislaus County Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

16

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-151

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,500 TO COMPLETE THE REMOVAL AND REPLACEMENT OF UNDERGROUND TANKS AT DRYDEN GOLF COURSE

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

FROM:	Dryden Pesticide Storage Account	$2,028
	Automated Irrigation Design Account	7,407
	Creekside Drinking Fountain Account	1,065
TO:	Storage Tanks-Above Ground Account	$10,500

In order to meet environmental regulations, the underground fuel storage tanks at Dryden Golf Course were removed and replaced with above grount units. However, additional work is necessary to meet requirements of Stanislaus County's Hazardous Materials Division and the San Joaquin Valley Unified Air Pollution Control District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** March **,** 1993 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-152

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. AND MARY C. GALLO, TRUSTEE FOR THE ACQUISITION OF 0.65 ± ACRES OF RIGHT OF WAY FOR THE CLAUS ROAD BRIDGE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David E. and Marh C. Gallo, Trustee, for the acquisition of 0.65± of right of way for the Claus Road bridge project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-153

Print

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM DAVID E. AND MARY C. GALLO, TRUSTEE FOR THE PURPOSE OF INSTALLING AN IRRIGATION SYSTEM AND PLANTING TREES, WHICH IS PART OF THE CLAUS ROAD BRIDGE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Right of Entry from David E. and Mary C. Gallo, Trustee, for the purpose of installing an irrigation system and planting trees, which is part of the Claus Road bridge widening project, be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-154

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ISCO HOMES, INC. FOR THE ACQUISITION OF A WELL SITE CONSISTING OF 27,721± SQUARE FEET AND AN ACCESS EASEMENT ALONG THE SOUTHERLY 30 FEET OF THE PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and ISCO Homes, Inc. for the acquisition of a well site consisting of 27,721± square feet and an access easement along the southerly 30 feet of the property, which is approximately 1.64 acres be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-155

Print

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM DAVID A. AND PAMELA S. BASMAJIAN FOR THE PURPOSE OF INSTALLING AN IRRIGATION SYSTEM AND PLANTING TREES, WHICH IS PART OF THE CLAUS ROAD BRIDGE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Right of Entry from David A. and Pamela S. Basmajian for the purpose of installing an irrigation system and planting trees, which is part of the Claus Road bridge widening project, be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-156

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID A. AND PAMELA S. BASMAJIAN IN REGARD TO THE RIGHT OF ENTRY ON THEIR PROPERTY IN CONJUNCTION WITH THE CLAUS ROAD BRIDGE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David A. and Pamela S. Basmajian, in regard to the Right of Entry on their property in conjunction with the Claus Road bridge widening project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd **day of** March **,** 1993 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-157

Print

A RESOLUTION AMENDING COLLECTION OF COSTS FOR THE INSTALLATION OF SIDEWALK AT 1231 MILLS AVENUE FOR NORMA J. JUSSELL, et al AND RESCINDING RESOLUTION NO. 91-746

WHEREAS, on December 3, 1991, by Resolution No. 91-746, the Report of the Superintendent of Streets was confirmed concerning the work on construction of sidewalk at 1231 Mills Avenue; and

WHEREAS, the cost of sidewalk installation was determined to be in the total amount of $780, in which amount a notice of lien was recorded on January 13, 1992, bearing interest on the unpaid balance at the rate of 7% per annum; and

WHEREAS, Ms. Jussell has asked that collection be assessed in ten annual installments rather than the one year payback term as directed in Resolution No. 91-746.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves collection of aforesaid lien in 10 annual installments constituting a special assessment against Parcel 002-003 110-1333-101.

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

Lot 6 of Bl. 6010 of Chapin Tract No. 1 as per map filed Aug. 31, 1946 in Vol. 14 of Maps, Pg. 73, Stan. Cty. Records.

BE IT FURTHER RESOLVED that Resolution No. 91-746 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-158

Print

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR A CURB AND SIDEWALK PROJECT ALONG THE SOUTH SIDE OF KANSAS AVENUE FROM THE 99 HIGHWAY ON-RAMP WEST TO THE OVERPASS STRUCTURE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and the State of California for a curb and sidewalk project along the south side of Kansas Avenue from the 99 Highway on-ramp west to the overpass structure be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-159

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO DISCHARGE STORM WATER FROM BRIGGSMORE AVENUE TO M.I.D. LATERAL NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to discharge storm water from Briggsmore Avenue to M.I.D. Lateral No. 3 be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-160

A RESOLUTION REAFFIRMING THE COUNCIL'S PREVIOUS POSITION RELATING TO A MODIFICATION OF THE LAND USE ELEMENT OF THE STANISLAUS COUNTY GENERAL PLAN, AND RECOMMENDATIONS TO THE COUNTY OF STANISLAUS AS SET FORTH IN CITY COUNCIL RESOLUTION NO. 93-68, AND ALLOWING THE APPLICANT, VINTAGE FAIRE CHRISTIAN CENTER, TO RETURN TO THE COUNCIL WITH OPTIONS.

WHEREAS, on February 9, 1993, by City Council Resolution No. 93-68, the City Council recommended that the County of Stanislaus approve a General Plan amendment, a rezoning, and a parcel map to allow a three-acre parcel to be cut for the 15+ acre Vintage Faire Christian Center property for a commercial television station at the northeast corner of Pelandale Avenue and Dale Road, and

WHEREAS, the only specified conditions of approval involved adhering to the City's Standard Specifications, including a specific prohibition of any access to Pelandale Avenue, which is anticipated in the General Pan to be developed as a Class B expressway, and

WHEREAS, by letter dated March 12, 1993, the Reverend Mike Dillman, Vintage Fair Christian Center, located at 4204 Dale Road in Modesto, expressed concerns relating to the City's recommendation to the County that the application be approved with conditions, specifically the condition of no access from the church onto Pelandale, and

WHEREAS, said matter was considered by the Council at its meeting of March 23, 1993, at which time the City Council discussed said matter, and

WHEREAS, the Council recognized the possibility of working out a solution with the Church relating to access options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby reaffirm the City's position as set forth in City Council Resolution No. 93-68, which was adopted on February 9, 1993, a copy of which is on file in the office of the City Clerk, and agreed to allow the applicant to return to Council at a later date with further access options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

03/29/93 OPONOP7L/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-161

A RESOLUTION APPROVING THE MODESTO AREA EXPRESS (MAX) ROUTE PROPOSED FOR IMPLEMENTATION DURING JULY, 1993, AND PROVIDING THAT NO FARES SHALL BE CHARGED DURING THE FIRST THREE DAYS OF OPERATION OF THE NEW ROUTES.

WHEREAS, a major route revision is needed to resolve a variety of operational problems that the Modesto Area Express (MAX) is experiencing, and

WHEREAS, the City-County Joint Transportation Committee and the City Transportation Policy Committee recommend approval of the major MAX route reconfiguration plan proposed for implementation during July, 1993, subject to minor modifications which may be made by staff to address concerns not currently apparent, and

WHEREAS, the City-County Committee also recommended that fares not be charged during the first three days of operation of the new routes, and

WHEREAS, the Public Works and Transportation Department by an agenda report dated March 22, 1993, presented the proposals to the City Council at the City Council meeting of April 6, 1993, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on April 6, 1993 the City Council held a public hearing to consider the changes to the Modesto Area Express (MAX) bus routes as proposed,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the major MAX route reconfiguration plan proposed for implementation during July, 1993, subject to minor modifications which may be made by staff to address concerns not currently apparent.

BE IT FURTHER RESOLVED by the City Council that fares for the first three days of operation of the new bus routes shall not be charged.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

04/09/93 OPONOQJS/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-162

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HARPAL S. GILL - 130 COLFAX AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No, 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $843.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $843.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 10 in Block 2265 of Yosemite Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Cty. Assessor's Parcel No. 002-001 033-3269-261)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-163

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (JOHN S. BEST - 214 COLFAX AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $843.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $843.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 10 in Bl. 2267 of Yosemote Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033 3230-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-164

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MICHAEL A. ROSENKE - 310 EL VISTA AVE.)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $443.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $443.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 8 in Bl. 2281 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Pg. 22, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106 033-3408-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-164-A

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MARIA G. ARENAS - 2036 ENCINA AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $507.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $507.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 4 in Bl. 2232 of Alta Vista Tract as per map filed 9/12/46 in Vol. 14 of Maps, Pg. 75, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No: 002-001 116-1013-101

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-165

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RICHARD P. DEFFLEY - 2320 ENCINA AVE.)

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

WHEREAS, the Council did, on May 28, 19 92, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $602.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $602.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 5 in Bl. 2272 of Yosemite Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-137 033-3604-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-166

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CARLOS C. SILLAS - 2309 HADDON AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $533.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $533.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 13 in Bl. 2269 of Yosemite Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106-033-3671-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-167

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (OLGA MARTINEZ - 2313 HADDON AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $533.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $533.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 14 in Bl. 2269 of Yosemite Villa Subd. as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106 033-3672-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-168

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CRAIG B. KIRLAND - 2400 HADDON AVENUE)

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

WHEREAS, the Council did, on January 3, 19 92, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,024.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,024.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 1 in Bl. 2415 of Los Altos Tract as per map filed 11/24/52 in Vol. 17 of Maps, Pg. 45, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3163-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 19 93, by Councilmember Pattersonwho moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-169

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (R.T. HERTEL - 233 RENEE DRIVE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $723.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $723.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 16 in Bl. 2415 of Los Altos Tract as per map filed 11/24/52 in Vol. 17 of Maps, Pg. 45, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3144-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-170

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (MARTIN L. RICO - 1700 TONILANE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,043.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,043.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

All of Lot 12 of Bl. 3084, excepting therefrom the South 2.0 feet of Uccello Manor as per map filed 4/14/53 in Vol. 17 of Maps, Pg. 56, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 037-4837-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-171

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (U-HAUL REAL ESTATE CO. - 837 KANSAS AVE.)

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

WHEREAS, the Council did, on January 3, 19 89, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $3,022.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $3,022.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Parcel B of that certain map filed Feb. 3, 1966 in Vol. 1 of Parcel Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-173-029-1310-470)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-172

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (READ INVESTMENTS - 842-48 KANSAS AVENUE)

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

WHEREAS, the Council did, on September 27, 19 88, adopt its Resolution No. 88-728, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $6,468.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $6,468.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The West 243.9 ft. of the South 248.73 ft. of Lot 5 of Maze Ranch Subd. as per map filed March 19, 1909 in Vol. 4 of Maps, Pg. 18, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-173 029-1524-310)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-173

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (GUS CONSTANTINOU - 236 E. COOLIDGE AVE.)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,843.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,843.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The East 83 ft. of the North 190 ft. of Lot 10 of Coolidge Colony as per map filed Nov. 15, 1910 in Vol. 5 of Maps, Pg. 17, Stan. Cty. Records, excepting the North 20 ft. thereof.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0356-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-174

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ANNE C. HUGHES - 320 E. COOLIDGE AVENUE)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,143.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $2,143.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The East 123 ft. of the North 150 ft. of Lot 11 of Coolidge Colony as per map filed Nov. 15, 1910 in Vol. 5 of Maps, Pg. 17, Stan. Cty. Records, excepting the North 20 ft. thereof.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0604-261)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-175

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WENDELL L. THOMPSON - 1444 CASA BLANCA)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $958.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $958.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Commencing at the Northwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, T. 3 S., R. 9 E., Mt. Diablo Base & Meridian; thence East 165 ft.; thence South 25 ft. to the true point of beginning of this description; thence East 165.0'; thence South 239.0'; thence West 165.0'; thence North 239.0' to the point of beginning.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0621-231)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-176

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (CHARLES E. WEAVER - 600 E. COOLIDGE AVE.)

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

WHEREAS, the Council did, on May 18, 19 90, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,407.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,407.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Commencing at the Northwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, T. 3 S., R. 9 E., M.D.B. & M.; thence East 330 ft.; thence South 30 ft. to the true point of beginning of this description; thence East 60.0'; thence South 159.0'; thence West 60.0'; thence North 159.0' to the point of beginning.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0660-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-177

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (WENDELL L. THOMPSON - 608 E. COOLIDGE AVE.)

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,043.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $2,043.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:
Commencing at the Northwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of Sec. 21, T. 3 S., R. 9 E., M.D.B. & M.; thence East 390 ftl; thence South 30 ft. to the true point of beginning of this description; thence East 105.0'; thence South 159.0'; thence West 105.0'; thence North 159.0' to the point of beginning.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0659-121)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-178

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (ORANGEBURG AVENUE BAPTIST CHURCH - 316 E. COOLIDG

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

WHEREAS, the Council did, on September 3, 1991, adopt its Resolution No. 91-562, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,580.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,580.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The West 75 ft. of the East 198 ft. of the North 170 ft. of Lot 11 of Coolidge Colony as per map filed Nov. 15, 1910 in Vol. 5 of Maps, Pg. 17, Stan. Cty. Records, excepting the North 20 ft. thereof.
(Stan. Cty. Assessor's Parcel No. 002-001 031-0603-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-179

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (VEER SINGH - 2316 ENCINA AVENUE)

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

WHEREAS, the Council did, on June 11, 19 92, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $887.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $887.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 6 in Bl. 2272 of Yosemite Villa Subdivision as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-137 033-3605-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-180

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (STEVEN A. MORGAN - 2312 ENCINA AVENUE)

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

WHEREAS, the Council did, on March 25, 19 92, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $632.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $632.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 7 in Bl. 2272 of Yosemite Villa Subd. as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-137 033-3606-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-181

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (BOB C. GOAD - 2308 ENCINA AVENUE)

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

WHEREAS, the Council did, on May 12, 19 92, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $932.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $932.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 8 in Bl. 2272 of Yosemite Villa Subd. as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-137 033-3607-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-182

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (HERBERT E. BAUMAN - 2220 ROBLE AVENUE)

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

WHEREAS, the Council did, on January 30, 19 92, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,324.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,324.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 16 of Bl. 2281 of Palo Verde Tract as per map filed 5/24/51 in Vol. 17 of Maps, Pg. 22, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106 033-3416-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-183

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (KENNETH M. COOK - 717 EL VECINO AVENUE)

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

WHEREAS, the Council did, on February 21, 19 92, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,043.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $2,043.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The north 63 ft. of the east 140 ft. of Lot 1 of Apricot Colony as per map filed 8/13/12 in Vol. 7 of Maps, Pg. 5, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-003 112-1750-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-184

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (R. SCOTT WHITE - 931-35 EL VECINO AVE.)

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

WHEREAS, the Council did, on June 12, 1992, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $3,194.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $3,194.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The west 145.03 of the east 165.03 ft. of the south 105.62 ft. of the north 162.81 ft. of Lot 7 of Rice Colony as per map filed 2/19/04 in Vol. 1 of Maps, Pg. 54, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 112-2622-261)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Regular)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-185

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (RANDALL W. STEELY - 941 EL VECINO AVE.)

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

WHEREAS, the Council did, on March 17, 19 92, adopt its Resolution No. waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,850.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $1,850.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

The west 145.03 ft. of the east 165.03 ft. of the north 57.19 ft. of Lot 7 of Rice Colony as per map filed 2/19/04 in Vol. 1 of Maps, Pg. 54, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 112-2623-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-186

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (J.B. TILLION - 2309 BELLAMY STREET)

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

WHEREAS, the Council did, on February 20, 19 92, adopt its ~~Resolution No.~~ waived by property owner, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

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

WHEREAS, April 6, 19 93, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

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

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $842.00.

SECTION 2. That the cost of the aforesaid work, being the amount of $842.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

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

Lot 13 of Bl. 2270 of Yosemite Villa as per map filed 6/1/50 in Vol. 17 of Maps, Pg. 1, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-106 033-3651-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%)per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(Installment)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-187

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR INSTALLATION OF A GENERATOR AT WELL NO. 44

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

SECTION 1. The specifications for the installation of a generator at Well No. 44, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 29, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

11

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-188

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR FURNISHING ONE NEW VAN WITH AERIAL LIFT

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

SECTION 1. The specifications for one new van with aerial lift

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 26, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-189

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR FURNISHING ONE NEW SUBURBAN VEHICLE

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

SECTION 1. The specifications for one new suburban vehicle

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 26, 1993, at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Freidman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-190

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR FURNISHING AND INSTALLING FOUR AUTOMATIC VALVE ACTUATORS

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

SECTION 1. The specifications for furnishing and installing four automatic valve actuators , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 3, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April 19 93, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-191

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE TELEPHONE SYSTEM FROM EVANS-EXECUTONE

WHEREAS, the Water Quality Control plant expansions and the addition of several new work areas have caused the current telecommunication system to become decentralized and inefficient; and

WHEREAS, staff is requesting the purchase of the equipment from Evans-Executone who is currently providing maintenance on the City's NEC 2400 telephone system, and is the authorized factory distributor for NEC in the Central Valley.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase and installation of one telephone system is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of one telephone system from Evans-Executone for the total purchase price of $37,552 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-192

Print

A RESOLUTION ACCEPTING THE ROCKWELL STORM DRAIN REPLACEMENT - 1993 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the rockwell storm drain replacement - 1993 project

has been completed by Ross F. Carroll, Inc.

in accordance with the contract agreement dated September 8, 1992.

NOW, THEREFORE, BE IT RESOLVED that the rockwell storm drain replacement - 1993 project

be accepted from said contractor, Ross F. Carroll, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $235,242.02 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-193

Print

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS AT BRIGGSMORE AVENUE AND CLAUS ROAD AND AT MITCHELL ROAD AND FINCH ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the modification of traffic signals at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road has been completed by Collins Electrical Company in accordance with the contract agreement dated April 28, 1992.

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic signals at Briggsmore Avenue and Claus Road and at Mitchell Road and Finch Road be accepted from said contractor, Collins Electrical Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $71,455.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 93-194

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FROM THE OFFICE OF TRAFFIC SAFETY

WHEREAS, the City was awarded a grant in the amount of $93,984 by the California Office of Traffic Safety.

WHEREAS, this grant requires no match.

WHEREAS, this grant provides funding for the inventory of traffic control devices. Including the following:

Traffic Signal Equipment (Computer database and pictures)
Traffic Signs (Computer database)
Pavement markings (On Video Tape)
Street Lights (Computer database)

WHEREAS, it is estimated that $57,984 of this grant will be used for personnel costs to acquire this data.

THEREFORE, the following adjustment is necessary:

Gas Tax Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
070-160-C215-6010	Traffic Control Devices Inventory	$ 58,984.
070-160-C215-6070	Traffic Control Devices Inventory	35,000.
Revenues		
070-510-9510-3138	State Share of Project	$ 93,984.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-195

A RESOLUTION CONFIRMING THE PROVISIONS OF THE MODESTO MUNICIPAL CODE RELATING TO THE ACCEPTANCE AND CONSENT OF DEEDS AND GRANTS WHICH CONVEY INTEREST IN OR EASEMENT UPON REAL ESTATE TO THE CITY OF MODESTO FOR PUBLIC PURPOSES, AND RESCINDING RESOLUTION NO. 57-566.

WHEREAS, Section 27281 of the Government Code of the State of California authorizes a governmental agency, by a general resolution, to authorize an officer or agent of the governmental agency to accept and consent to all deeds or grants conveying interest in or easement upon real estate to a political corporation or governmental agency for public purposes, and record same on behalf of the grantee, and

WHEREAS, Ordinance No. 2846-C.S., introduced by the Council on April 6, 1993, amended Section 7-1.701(d) of the Modesto Municipal Code giving authorization to the City Engineer to accept and consent to such grants and deeds, and

WHEREAS, Ordinance No. 2847-C.S., introduced by the Council on April 6, 1993, amended Section 4-4.503(g) of the Modesto Code giving authorization to the City Engineer to consent to dedications of streets, alleys, walkways, easements, public utility easements or other public utility easements or other public ways or access rights by a certificate on the parcel map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 7-1.701(d) of the Modesto Municipal Code, as amended by Ordinance No. 2846-C.S. mentioned above,

meets the requirements of Government Code Section 27281 by providing that the City Engineer is authorized to accept and consent to all deeds and grants conveying interest in or easement upon real estate to the City of Modesto for public purposes.

BE IT FURTHER RESOLVED that Council Resolution No. 57-566 is hereby rescinded.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of Ordinance Nos. 2846-C.S. and 2847-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-196

A RESOLUTION OF INTENTION SETTING A HEARING FOR THE PURPOSE OF RENAMING FRANZIA COURT TO RENO AVENUE IN THE CITY OF MODESTO.

WHEREAS, the Planning Commission at its February 22, 1993, meeting reviewed a request from the City of Modesto to rename Franzia Court to Reno Avenue, as it is in direct alignment with Reno Avenue which creates one street with two distinct names, and

WHEREAS, the Planning Commission by Resolution No. 93-6 recommended to the City Council that the name of Franzia Court be changed to Reno Avenue and that the street name plates should be replaced with one street name to read as follows:

"Reno Avenue (Franzia Court)",

and

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to rename Franzia Court to Reno Avenue.

SECTION 2. Notice is hereby given that May 4, 1993, at the hour of 7:30 p.m., in the Council Chambers, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed renaming of Franzia Court to Reno Avenue.

SECTION 3. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official

newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 4. The Planning and Community Development Director is hereby directed to cause notices of the proposed renaming of Franzia Court to Reno Avenue to be posted conspicuously at each end of Franzia Court and Reno Avenue at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the proposed renaming of Franzia Court to Reno Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-197

A RESOLUTION AUTHORIZING THE FILING OF AN AMENDMENT TO GRANT CA 90-X548 WITH THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, UNDER THE FEDERAL TRANSIT ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

1. That the City Manager of the City of Modesto is authorized to execute and file an application amendment on behalf of the City of Modesto with the U. S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Federal Transit Act of 1964, as amended, and listed in the Amended Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to execute grant agreements on behalf of the City of Modesto with the U. S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

6. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

AMENDED FY 1992/93 SECTION 9 PROGRAM OF PROJECTS

Urbanized Area:	Modesto, CA	Apportionment for 92/93:	$1,655,568
Designated Recipient:	Stanislaus Area Association of Governments	Carryover funds:	$723,492
		Transfer funds:	$0
		Economic Stimulus funds:	$465,816
Grantee:	City of Modesto	Total Federal Funds Available:	$2,844,876

I. CAPITAL PROJECTS

Project Description	Local	Federal	Total
1. Purchase 4 Buses and spare parts.	$190,600	$762,400	$953,000
2. Rehabilitate 3 1976 buses.	$77,175	$342,825	$420,000
3. Install Public Address System on 25 buses.	$700	$13,300	$14,000
4. Purchase 3 Bus Shelters	$2,400	$9,600	$12,000
5. Laser Printer	$600	$2,400	$3,000
6. Bus Stop Sign Installation	$2,400	$9,600	$12,000
7. Purchase 10 Litter Containers	$950	$3,800	$4,750
8. Associated Capital Maintenance Items.	$20,000	$80,000	$100,000
9. Capital Cost of Contracting for Demand Response and Fixed Route Operations	$20,000	$80,000	$100,000
10. Replace Wheelchair Lifts on 4 buses	$9,100	$81,900	$91,000
11. Photocopy Machine	$3,000	$12,000 *	$15,000
12. Demand Response Computerized Dispatching Hardware	$10,000	$40,000 **	$50,000
13. Purchase 2 Standard Buses, Bus Inspection and Spare Parts	$102,270	$409,080 *	$511,350
14. Purchase all New Seating for 2 1980 GMC buses	$4,600	$18,400 *	$23,000
SubTotal	$443,795	$1,865,305 *	$2,309,100

II. OPERATING ASSISTANCE for period of 7/1/92 to 6/30/93

	Local	Federal	Total
SubTotal	$3,482,364	$979,564 *	$4,461,928

TOTAL	**$3,926,159**	**$2,844,869 ***	**$6,771,028**

* Economic Stimulus Fund

** Includes $13,671 of carryover funds from previous years and $26,329 of Economic Stimulus Fund

NOTE: *Projects shown in Italics are projects added by this amendment*

Exhibit "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-198

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $717,195 FROM CONTINGENCY RESERVE TO SETTLE A CONSTRUCTION CLAIM IN CONJUNCTION WITH THE WATER QUALITY CONTROL PLANT EXPANSION PROJECT

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

FROM:	Sewer Fund Contingency Reserve (621 800 8000 8003)	$717,195
TO:	WQC Plant Expansion Project Unit 2/3 (625 480 G761 6000)	$717,195

Netogiations for settlement of a construction claim on the WQC Plant Expansion Project, Unit 2/3 have been concluded. Funds from the reserve account need to be transferred to the project account to pay contractor according to terms of the settlement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** April **,** 19 93**, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-199

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $14,554 TO COMPLETE THE McCLURE HOUSE SITE IMPROVEMENT CAPITAL PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	Repave Parking lot - McHenry Museum and Wesson Ranch Neighborhood Park	$14,554
TO:	McClure House Site Improvements	$14,554

The Downey High School construction trades class constructed a care-taker's cottage that has been placed on the McClure Country Place property. The import of soil needed to raise the building pad to the elevation needed, was not included in the original estimate of project costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-200

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,000 TO COMPLETE THE DRY CREEK PARK TRAIL CAPITAL IMPROVEMENT PROJECT

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

FROM:	Floyd Neighborhood Park (170 310 G875 6050 & 6060)	$15,000
TO:	Dry Creek Park Trail (170 310 G837 6050 & 6060)	$15,000

Due to field conditions, vandalism, and additional work necessary, the costs associated with construction monitoring exceeded the amount budgeted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** April **,** 19 93**, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-201

A RESOLUTION APPOINTING CHICO ROBERTS AS A MEMBER OF THE COMMUNITY QUALITIES FORUM

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

SECTION 1. Chico Roberts is hereby appointed to the Community Qualities Forum.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-202

A RESOLUTION APPOINTING BOB DUNBAR AS PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. Bob Dunbar is hereby appointed to the Citizens Housing and Community Development Committee as Planning Commission Representative.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-203

Print

A RESOLUTION APPOINTING BECKY WARD TO THE PLANNING COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Planning Commission for the respective term as indicated:

Becky Ward
2621 Portsmouth Lane
Modesto, Ca. 95355

Term to expire 1/1/97

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Boards and Commissions

MODESTO CITY COUNCIL
RESOLUTION NO. 93-204

A RESOLUTION APPOINTING HOWARD MALLORY TO THE AFFIRMATIVE ACTION COMMISSION AS LIAISON FROM THE HUMAN RELATIONS COMMISSION, AND RESCINDING RESOLUTION NO. 92-619 APPOINTING ROSE LITTLER

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

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

SECTION 1. That Howard Mallory is hereby appointed to the Affirmative Action Commission as liaison from the Human Relations Commission.

SECTION 2. The City Clerk is hereby directed to tr-nsmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

SECTION 3. That Resolution No. 92-619 appointing Rose Littler, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-205

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(492). (GREAT VALLEY ADJUSTERS)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Great Valley Adjusters on January 4, 1993, to reclassify from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow a conversion of an existing dwelling to an office and retaining accessory building for storage, property located at 337 Burney Street, on the west side of Burney Street, south of 18th Street, described as follows:

R-3 to P-D(492)

All that certain real property situate in a portion of the southwest quarter of Section 28, township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 5 and 6 in Block "M" of the City of Modesto, as per Map re-corded December 21, 1942 in Volume 15 of Maps, Stanislaus County

Including also all of the northeastern one-half of the twenty-foot wide alley in said Block "M", the west one-half of original 33-foot wide Burney Street and all directly adjacent to the above described property.

and

WHEREAS, after a public hearing held on March 8, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-8, that rezoning of the

property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone will allow an office conversion in a location that is compatible with other similar development in the downtown.

2. The proposed P-D zone, being in the immediate vicinity of the P-D(139) hospital, is in conformity with the objectives and principles outlined in the Urban Area General Plan as well as the Downtown Plan.

and

WHEREAS, after a public hearing held on April 13, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Great Valley Adjusters for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-8 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2849 -C.S. on the 13th day of April, 1993, reclassifying the above-described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(492).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(492), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Site Development--Cordoni Building, 337 Burney Avenue" as amended in

red, stamped approved by the Planning Commission on March 8, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   Six (6) foot high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the southeast property line.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication and improvements to provide a 30-foot width from centerline to the west side of Burney Street and consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Alley frontage shall be improved to commercial alley standards in accordance with the requirements of the Director of Public Works and Transportation.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. Prior to issuance of a building permit a two-foot planting easement shall be dedicated along Burney Street.

10. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

11. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

12. On-site drainage shall be stored and disposed of on site.

13. Prior to issuance of a building permit, the developer shall pay for planting street trees along the Burney Street frontage in accordance with the provisions of Sec. 4-4.502(g) of the Modesto Municipal Code. The number of trees for which payment is required shall be as determined by the Director of Public Works and Transportation.

14. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(492):

The entire construction program be accomplished in one phase, construction to begin on or before March 8, 1995, and completion to be not later than March 8, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(492), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By William Bruckel
Planning and Community Development

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-206

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 TO P-D(492). (GREAT VALLEY ADJUSTERS)

WHEREAS, on April 13, 1993, the City Council introduced Ordinance No. 2849-C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(492), property located at 337 Burney Street, on the west side of Burney Street, south of 18th Street, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium-

High Density Residential Zone, R-3, to Planned Development Zone, P-D(492), property located at 337 Burney Street, on the west side of Burney Street, south of 18th Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-207

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ELEVATOR MAINTENANCE SERVICE

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

SECTION 1. The specifications for furnishing elevator maintenance service , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April 19 93 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-208

A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION FOR THE ANNUAL SEWER REHABILITATION PROJECT - COLDWELL AVENUE BETWEEN HACKBERRY AVENUE AND ENSLEN AVENUE AND HELEN AVENUE BETWEEN MCHENRY AVENUE AND ILA WAY

WHEREAS, Resolution No. 93-135 **, adopted by the Council of the City of Modesto on** March 16 **, 19**93 **, approved the plans and specifications for** the annual sewer rehabilitation project - Coldwell between Hackberry and Enslen; and Helen between McHenry and Ila Way **and authorized the calling for bids; and**

WHEREAS, the bids received for the annual sewer rehabilitation project - Coldwell between Hackberry and Enslen; and Helen between McHenry and Ila Way **were opened at** 11:05 a.m. **on** April 1 **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Allen A. Waggoner Construction on the amount of $64,895.98 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction **in the amount of** $64,895.98. **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th **day of** April **,** 19 93 **, by Councilmember** Patterson, **who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-209

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RIVERSIDE PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the construction of Riverside Park

has been completed by Ranchwood Contractors
in accordance with the contract agreement dated November 26, 1991.

NOW, THEREFORE, BE IT RESOLVED that the construction of Riverside Park

be accepted from said contractor, Ranchwood Contractors;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $467,568.34 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-210

Print

A RESOLUTION ACCEPTING THE BID OF GOLDEN STATE FIRE APPARATUS, INC. FOR FURNISHING ONE FIRE APPARATUS FOR THE FIRE DEPARTMENT

WHEREAS, Resolution No. 92-697, adopted by the Council of the City of Modesto on December 22, 1992, approved the plans and specifications for the purchase of one fire apparatus

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one fire apparatus

were opened at 11:00 a.m. on January 25, 1992, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Golden State Fire Apparatus, Inc. in the amount of $278,027.29

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Golden State Fire Apparatus, Inc. in the amount of $278,027.29 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-211

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TRANSOCEAN FUNDS, INC. FOR THE PURCHASE OF ONE FIRE APPARATUS FOR THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Transocean Funds, Inc. for the purchase of one fire apparatus for the Fire Department be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 93-212

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR THE LEASE PURCHASE OF A FIRE APPARATUS.

WHEREAS, the City authorized a lease purchase of a Fire Apparatus.

WHEREAS, this asset cost is $278,028.

WHEREAS, it is necessary to estimate this revenue and budget the expenditure in order to properly account for the asset.

THEREFORE, the following adjustment is necessary:

Special Fund for Capital Outlays

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
130-180-C217-6070	Fire Apparatus	$ 278,028.
Revenues		
130-510-9510-8301	Other Financing Sources	$ 278,028.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-213

A RESOLUTION APPROVING AN EASEMENT AGREEMENT WITH MODESTO IRRIGATION DISTRICT AND ACCEPTING AN EASEMENT FROM M.I.D. TO ALLOW THE CITY TO INSTALL WATER FILTERS ON WELL NO. 50

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement with Modesto Irrigation District in connection with the installation of water filters on Well No. 50 be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it accepts an easement from Modesto Irrigation District to allow the City to install water filters on Well No. 50 which is in the M.I.D. right of way.

BE IT FURTHER RESOLVED that the execution of said easement agreement and acceptance of an easement deed from Modesto Irrigation District by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April , 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-214

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ESTHER G. RIFENBURG FOR THE ACQUISITION OF 1,712± SQUARE FEET OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Esther G. Rifenburg for the acwuisition of 1,712± square feet of her property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-215

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL J. AND JUDY I. NAMES FOR THE ACQUISITION OF 1,225± SQUARE FEET OF THEIR PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Darrell J. and Judy I. Names for the acquisition of 1,225± square feet of their property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-216

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN C. ALLISON FOR THE ACQUISITION OF 686± SQUARE FEET OF HER PROPERTY NEEDED TO WIDEN SCENIC AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen C. Allison for the acquisition of 686± square feet of her property needed to widen Scenic Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-217

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDERS CONSTRUCTION COMPANY TO COMPENSATE THEM FOR ITEMS MISSED IN THE ORIGINAL ACQUISITION OF PROPERTY NEEDED FOR THE IMPROVEMENT DISTRICT NO. 29 PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sanders Construction Company to compensate them for items missed in the original acquisition of property needed for the Improvement District No. 29 project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-218

A RESOLUTION ALLOWING A PUBLIC SERVICE BILLBOARD SIGN ANNOUNCING THE MODESTO POLICE DEPARTMENT'S GANG HOTLINE TO BE LOCATED AT THE CORNER OF MAZE AND CARPENTER ROADS, FACING NORTHWEST ON THE GROUNDS OF ST. STANISLAUS SCHOOL.

WHEREAS, in the interest of public safety, the Police Department is anxious to promote a Gang Hotline which would allow citizens to call the hotline and anonymously report suspected gang activity for follow-up by the police, and

WHEREAS, Section 10-2.2102(x) of the Modesto Municipal Code establishes the definition of a sign, and

WHEREAS, pursuant to Section 10-2.2102(x)(2) of the Modesto Municipal Code, the requested Gang Hotline sign would serve as an informational sign and would be a permissible sign,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby authorize a public service billboard sign announcing the Modesto Police Department's Gang Hotline, said sign shall be located at the corner of Maze and Carpenter Roads, facing northwest on the grounds of St. Stanislaus School.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION 93-219

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR THE SENIOR CITIZENS CENTER.

WHEREAS, the City was given a gift of $10,000 from the estate of Iola Taylor.

WHEREAS, this bequest was specifically designated to fund improvements to the Senior Citizens Center.

WHEREAS, an amount of $5,587 has already been expended on ceiling fans for the dining room and auditorium of the Center and also to purchase a refrigerator.

WHEREAS, an amount of $4,413 remains in trust and is yet to be expended.

WHEREAS, this resolution estimates this revenue as a donation and appropriates said revenue to partially fund the replacement of the heating/cooling control system at the Senior Citizens Center.

THEREFORE, the following adjustment is necessary:

General Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
010-380-3813-0223	Repair & Maintenance -Senior Citizens Center	$ 4,413.
Revenues		
010-380-3813-8107.04	Donation Revenue-Senior Citizens Center	$ 4,413

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-220

Print

A RESOLUTION ORDERING THE JOHANSEN HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 93-01 dated March 24, 1993, approved the proposed Johansen High School Reorganization to the City of Modesto upon the condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Johansen High School Reorganization, and

WHEREAS, said LAFCO Resolution No. 93-01 also found that the subject territory is within the primary area of the Modesto Sphere of Influence, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that the territory included in the proposed Johansen High School Reorganization is uninhabited territory, and

WHEREAS, said reorganization is comprised of an area of approximately 109.41 acres, located on the southeast corner of Garst and Claus Roads, and

WHEREAS, the Stanislaus Local Agency Formation Commission by said Resolution 93-01 designated the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization pursuant to Section 56852 of the Government Code of the State of California, and

WHEREAS, on March 24, 1993, LAFCO certified that it considered the environmental documentation prepared by the City and finds the proposal to be

exempt pursuant to Sections 15061, 15315, 15319 and 15162 of the California Environmental Quality Act (CEQA) Guidelines, and

WHEREAS, the Stanislaus County Local Formation Commission by said resolution approved the proposal subject to it being processed as a reorganization consisting of (a) the annexation of the subject territory to the City of Modesto; (b) the annexation of said territory to the Modesto Municipal Sewer District No. 1; and (c) the detachment of the subject territory from the Empire Fire Protection District; and

WHEREAS, the reasons for this annexation are as follows:

1. The proposed annexation is consistent with the goals and objectives of the City of Modesto General Plan and annexation policies.

2. The proposed annexation will allow the City of Modesto to provide full urban services to the Johansen High School site and to the future community park site.

3. The reorganization of this territory into the City will minimize the number of governmental agencies providing services to this territory.

and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 20th day of April, 1993, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on April 20, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto finds that no written protests were filed by any owners of land or registered voters within the affected territory,

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

1. All requirements of the Cortese Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory shall be designated as the Johansen High School Reorganization and is described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto pursuant to Government Code §57082.

4. Said territory is hereby detached from the Empire Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County

Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that this resolution ordering annexation is a ministerial act not subject to CEQA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works and Transportation
Department - Engineering Services

PROPERTY DESCRIPTION
FOR
JOHANSEN HIGH SCHOOL REORGANIZATION

Being a portion of Sections 19 and 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 30, said point being on the centerline of Claus Road; thence South 89°35'50" East along the north line of said Section 30 a distance of 50.00 feet, more or less to the easterly line of Claus Road; thence South 0°00'00" East along the east line of said Claus Road and the existing City limit line as described in the Yosemite-Claus Reorganization to the City of Modesto, a distance of 71.33 feet, more or less to the northerly line of the Modesto Irrigation District Right-of-Way and the TRUE POINT OF BEGINNING; thence North 82°23'38" East along the northerly line of said Modesto Irrigation District Right-of-Way, a distance of 780.85 feet, more or less to the beginning of a curve concave to the south having a radius of 470.00 feet; thence easterly along the arc of said curve through a central angle of 08°18'28" a distance of 68.15 feet; thence continuing along the northerly line of said Modesto Irrigation District Right-of-Way South 89°17'54" East, a distance of 354.34 feet, more or less to the westerly line of the Modesto Irrigation District Right-of-Way; thence South 00°28'41" East along the westerly line of said M.I.D. Right-of-Way, distance of 3907.08 feet; thence North 89°47'04" West, a distance of 689.65 feet; thence South 00°14'22" East, a distance of 100.00 feet; thence North 89°47'04" West, a distance of 558.30 feet, more or less to a point on the easterly line of said Claus Road, the existing City limit line as shown on said Yosemite-Claus Reorganization, and the beginning of a non-tangent curve concave to the east having a radius of 4950.00 feet to which a radial line bears South 88°33'46" East; thence northerly along the easterly line of Claus Road and the said City limit line of the City of Modesto the following eight (8) courses:

1) Northerly along arc of said curve through a central angle of 02°11'45" a distance of 189.70 feet to the beginning of a reverse curve concave to the west having a radius of 5050.00 feet;

2) thence northerly along the arc of said curve through a central angle of 03°37'28" a distance of 319.44 feet;

3) thence North 00°00'31" East a distance of 320.08 feet;

4) thence South 89°55'54" West a distance of 15.00 feet;

Approved as to description
ON 3-4-03
BY

5) thence North 00°00'31" East a distance of 495.00 feet, more or less to a point on the east-west quarter section line of said Section 30;

6) thence North 00°00'00" East a distance of 321.21 feet;

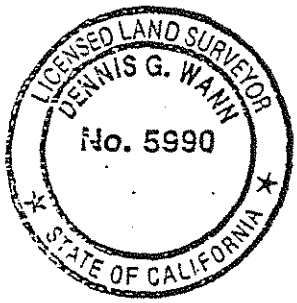
7) thence South 89°43'01" East a distance 15.00 feet;

8) thence North 00°00'00" East a distance of 2254.21 feet, more or less to the point of beginning.

Contains 109.41 acres, more or less.

2/19/93

Dennis G. Wann, L.S. 5990 Date
License Expires 12/31/96



FILE: 92011.DW
DATE: 2/15/93

Approved as to description
ON 3-4-93
BY

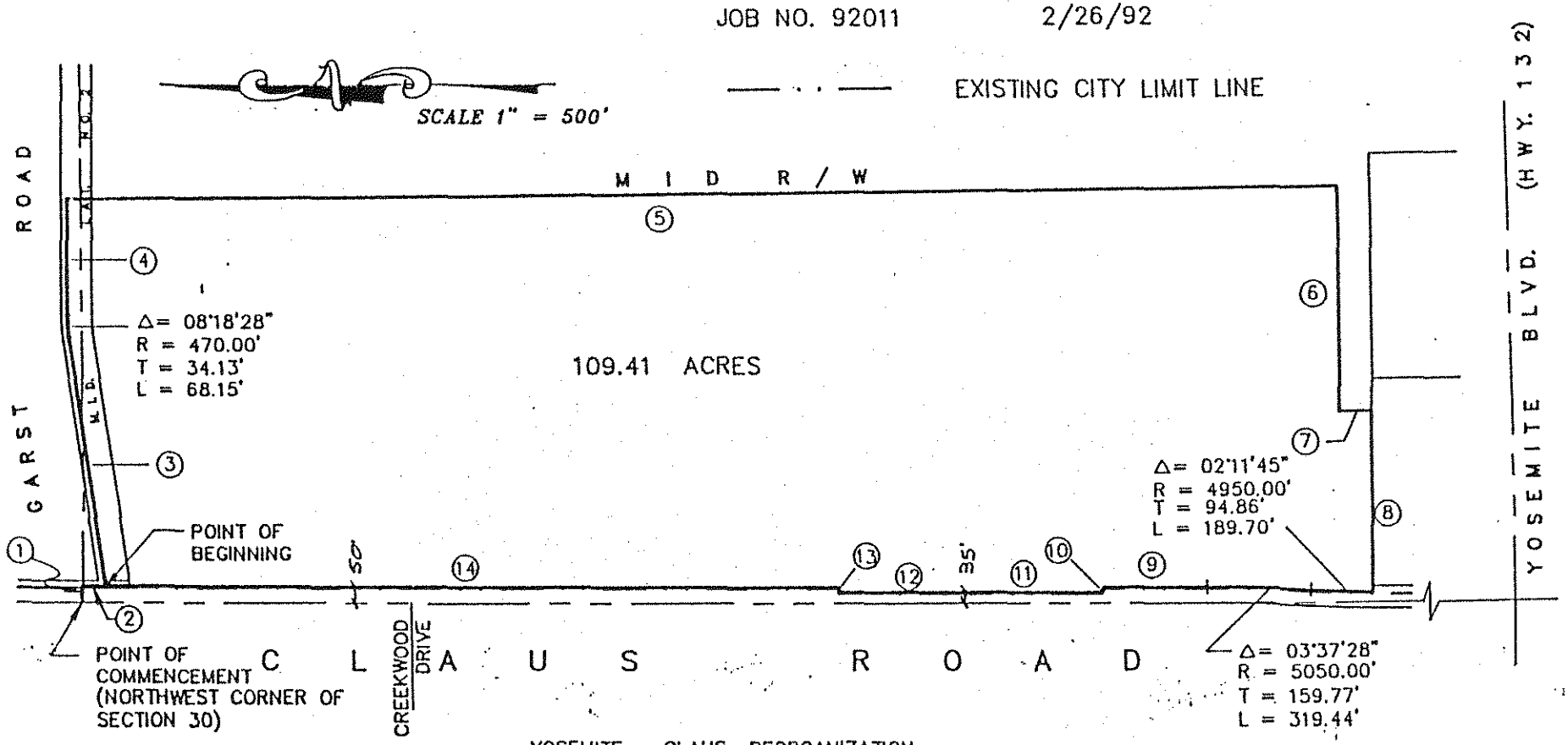
LEW–GARCIA–DAVIS
ENGINEERS
SURVEYORS/PLANNERS
CERES (209) 538-3340

JOHANSEN HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO

JOB NO. 92011 2/26/92

SCALE 1" = 500'

— · · — EXISTING CITY LIMIT LINE



YOSEMITE — CLAUS REORGANIZATION

LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
1	S 89°35'50" E	50.00'	8	N 89°47'04" W	558.30'
2	S 00°00'00" E	71.33'	9	N 00°00'31" E	320.08'
3	N 82°23'38" E	780.85'	10	S 89°55'54" W	15.00'
4	S 89°17'54" E	354.34'	11	N 00°00'31" E	495.00'
5	S 00°28'41" E	3907.08'	12	N 00°00'00" E	321.21'
6	N 89°47'04" W	689.65'	13	S 89°43'01" E	15.00'
7	S 00°14'22" E	100.00'	14	N 00°00'00" E	2254.21'

BASIS OF BEARING
THE BEARING OF NORTH FOR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 10 EAST, M.D.B.& M., AS SHOWN IN VOLUME 12 OF SURVEYS, PAGE 63, STANISLAUS COUNTY RECORDS.

Approved as to description

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-221

Print

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(451) PROPERTY LOCATED ON THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND CARVER ROAD. (GRAHAM DEVELOPMENT)

WHEREAS, on April 20, 1993, the City Council introduced Ordinance No. 2850-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(451), property located on the southwest corner of Standiford Avenue and Carver Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Planned Development Zone, P-D(451), property located on the southwest corner of Standiford Avenue and Carver Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-222

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(493). (DR. GREG TESLUK)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Dr. Greg Tesluk on March 22, 1993, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow a condominium conversion of a medical office complex, property located on the south side of East Orangeburg Avenue between Nelson and Melrose Avenues, described as follows:

P-O to P-D(493)

ALL that certain real property situate in a portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the southwest corner of Parcel A, as shown on the map filed in Book 41 of Parcel Maps, at page 42, Stanislaus County Records, said point lies on the East right-of-way line of Nelson Avenue; thence North 0 degrees 52'00" West, along said right-of-way line, 152.77 feet to the beginning of a tangent curve, concave to the Southeast, having a radius of 15.00 feet and a central angle of 91 degrees 05'00"; thence Northeasterly along the arc of said curve, 23.85 feet to a point on the South right-of-way line of East Orangeburg Avenue; thence South 89 degrees 47'00" East along said right-of-way line, 240.56 feet to the beginning of a tangent curve, concave to the Southwest, having a radius of 15.00 feet and a central angle of 88 degrees 57'08"; thence Southeasterly along the arc of said curve, 23.29 feet to a point on the West right-of-way line of Melrose Avenue; thence South 0 degrees 49'52" East along said right-of-way line, 153.33 feet; thence North 89 degrees 46'52" West, 270.47 feet to the Point of Beginning of this description.

Including also all of the South one-half of 80.00-foot-wide East Orangeburg Avenue, West one-half of 60.00-foot-wide Melrose Avenue, East

one-half of 60.00-foot-wide Nelson Avenue and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on March 22, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-11, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed P-D zoning will allow separation of ownership of the individual medical office suites, and the parking and open space will be maintained in common via a property owners' association.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated February 17, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on April 20, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Dr. Greg Tesluk for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-11 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2851-C.S. on the 20th day of April, 1993, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(493).

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

1. All development shall conform to the plot plan and floor plans titled "400 East Orangeburg Avenue, Modesto Eye Surgery Center" as amended in red, stamped approved by the Planning Commission on March 22, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

8. The developer shall, in a manner approved by the City Attorney, provide a modified parking and vehicular accessway for on-site traffic circulation for the benefit of Lot "A" and the property to the south, substantially as shown in red on the plot plan.

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire

Chief shall be installed and operable prior to construction of any structures.

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

11. All signs shall comply with the sign requirements of the P-O Zone.

12. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

13. Prior to sale of a condominium unit, a parcel map shall be recorded.

14. Prior to recordation of the parcel map, the applicant shall submit evidence in a form satisfactory to the City Attorney that there has been created a property owners' association to guarantee common facility and private property maintenance in accordance with the approved plans.

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(493), is hereby approved subject to the following conditions:

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(493):

The entire construction program be accomplished in one phase, construction to begin on or before March 22, 1995, and completion to be not later than March 22, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(493), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: _____
JUDY T. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Planning and Community Development

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-223

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO P-D(493). (DR. GREG TESLUK)

WHEREAS, on April 20, 1993, the City Council introduced Ordinance No. 2851-C.S. giving approval to a project relating to an amendment to Section Map 218-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D(493), property located on the South Side of East Orangeburg Avenue between Nelson and Melrose Avenues, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, to Planned

Development Zone, P-D(493), property located on the south side of East Orangeburg Avenue between Nelson and Melrose Avenues.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-224

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING THREE NEW PICKUP TRUCKS, EXTENDED CAB, MIDSIZE

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

SECTION 1. The specifications for the purchase of three new pickup trucks, extended cab, midsize , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1993, at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-225

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW PICKUP TRUCK, EXTENDED CAB, CAB AND CHASSIS

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

SECTION 1. The specifications for the purchase of one new pickup truck, extended cab, cab and chassis , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1993 at 11:10 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-226

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO NEW PICKUP TRUCKS, 3/4 TON WITH DUMPS, AND ONE NEW PICKUP TRUCK, 3/4 TON

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

SECTION 1. The specifications for purchase two new pickup trucks, 3/4 ton with dumps, and one new pickup truck, 3/4 ton , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1993 at 11:15 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-227

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING EMERGENCY REPAIR WORK OF THE EMERALD TRUNK SEWER BY CONCO WEST

WHEREAS, on February 9, 1993, it was reported that the top half of the 42" Emerald Trunk Sewer had corroded to such a point that the pipe collapsed into itself, creating a hazard to vehicular traffic on Robertson Road; and

WHEREAS, the Modesto City Charter requires all contract projects be awarded to the lowest responsible bidder, except in the cases where it is deemed that the work is of urgent necessity, for the preservation of life, health or property; and

WHEREAS, because of the urgent need to repair the pipeline and re-open Robertson Road, a contractor was authorized by City staff to proceed with the necessary repair work.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the repair work of the Emerald Trunk Sewer is hereby waived.

BE IT FURTHER RESOLVED that emergency repair work of the Emerald Trunk Sewer by Conco West in the amount of $34,642.01 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST:
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-228

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $34,642.01 TO COVER THE COST OF THE REPAIR WORK ON THE EMERALD TRUNK SEWER

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

FROM: Sewer Fund Reserves $34,642.01

TO: Emerald trunk sewer repair $34,642.01

These funds are needed to finance repair work needed on the Emerald Trunk Sewer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-229

A RESOLUTION MAKING FINDINGS, ADOPTING A MITIGATION MONITORING PROGRAM, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT MASTER PLAN.

WHEREAS, the Modesto City-County Airport is part of the Federal Aviation Administration's National Airspace and Airports' System Plan, and is required to have an approved Master Plan in order to be eligible for Federal funds, and

WHEREAS, the City of Modesto retained the services of the consulting firm of Hodges & Shutt to prepare the Airport Master Plan Update, and

WHEREAS, the Modesto City-County Airport Master Plan is a comprehensive assessment of the Airport's current and projected aviation activity and resulting facility requirements, and

WHEREAS, said plan is intended to help guide the City of Modesto in the decisions essential to future development and operation of the Airport, and

WHEREAS, the City of Modesto's Environmental Assessment Committee directed that a full EIR be prepared before the Master Plan Update could be considered for approval, and

WHEREAS, the City retained the services of the consultant firm of McClintock, Becker & Associates to prepare an environmental report that assessed any impacts caused by recommendations in the Airport Master Plan Update, and

WHEREAS, McClintock, Becker & Associates completed the draft EIR in December 1992, and both the Airport Master Plan Update and the Environmental Impact Report were circulated for review, and

WHEREAS, Hodges & Shutt (Airport Master Plan Update Consultants) and McClintock, Becker & Associates (EIR Consultants), presented progress reports of their respective studies to the Airport Advisory Committee, and

WHEREAS, copies of both Consultant reports have been distributed to the State of California, the County of Stanislaus, the Planning Departments of both the Cities of Modesto and Ceres, the area school districts, and public libraries in Modesto and Ceres, and

WHEREAS, the draft EIR was circulated for a minimum 45-day public review and comment period beginning December 24, 1992, and ending February 19, 1993, and the draft Airport Master Plan has also been available for public review and comment since that date, and

WHEREAS, in January 1993, the Transportation Policy Committee heard a report by the consultants on the EIR and recommended that City staff schedule a City Council public hearing to receive an update on the Airport Master Plan and EIR, and

WHEREAS, on January 26, 1993, the City Council held a duly noticed public hearing for the Airport Master Plan and

Environmental Impact Report, which was continued to February 23, 1993, and later to March 23, 1993, when it was closed, and

WHEREAS, public agencies, individuals, and groups submitted written comments on the EIR which have been responded to in writing and which are included in the Final Impact Report/Environmental Assessment for Modesto City-County Airport Master Plan Report prepared by P&D Technologies, and

WHEREAS, the Master Plan has been revised to address issues raised during the public review of these documents and to accommodate mitigation measures identified in the Final EIR, and

WHEREAS, Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines require the City Council to certify that the Final EIR has been completed in compliance with CEQA, and that the Council has reviewed and considered the information contained in the Final EIR prior to making a decision on the project, and

WHEREAS, the Council, at a duly noticed public meeting held on April 20, 1993, did hear and consider the information contained in the Final Environmental Impact Report/Environmental Assessment on the Modesto City-County Airport Master Plan,

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final Environmental Impact Report/Environmental Assessment for the Modesto City-

County Airport Master Plan Report which has been prepared by P&D Technologies, dated March 10, 1993, and the Council does hereby certify that said EIR is complete and adequate and has been completed in compliance with the California Environmental Quality Act (CEQA), a copy of said EIR is on file in the office of the City Clerk.

SECTION 2. As required by Section 15091(a)(1) of the Guidelines, the City Council hereby finds that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR as more specifically set forth in the "Statement of Findings for the Airport Master Plan" attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. As required by Section 15091(a)(2) of the Guidelines, the City Council hereby finds that changes or alterations have been required in, or incorporated into the project which are within the responsibility and jurisdiction of another agency and such changes can and should be adopted by that other public agency as more specifically set forth in the "Statement of Findings for the Airport Master Plan" attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 4. As required by Section 15091(a)(3) of the Guidelines, the City Council hereby finds that specific economic, social, or other considerations, set forth more fully in the

"Statement of Overriding Considerations" attached hereto as Exhibit "B" and incorporated herein, make infeasible the mitigation measures or project alternatives as regards air quality.

SECTION 5. The City Council hereby adopts the Mitigation Monitoring Program required by Section 21081.6 of the Public Resources Code for the monitoring and reporting on the implementation of mitigation measures, a copy of the "Mitigation Monitoring Program for Modesto City-County Airport Master Plan" is attached hereto marked Exhibit "C" and incorporated herein by reference.

SECTION 6. The City Council hereby approves the "Final Environmental Impact Report/Environmental Assessment for Modesto City-County Airport Master Plan" and directs the Planning and Community Development Director to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the project.

SECTION 7. The City Clerk is hereby directed to certify a copy of this resolution, the Final EIR and the Modesto City-County Airport Master Plan Report to the Planning Departments of the County of Stanislaus and the City of Ceres.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Vice Mayor Cogdill
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson, Mayor Lang

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

(13)

STATEMENT OF FINDING FOR THE AIRPORT MASTER PLAN

I. INTRODUCTION:

These findings are made by this City Council (Council) of the City of Modesto (City) pursuant to the California Environmental Quality Act (CEQA) in certifying the Environmental Impact Report/Environmental Assessment (EIR/EA) prepared for the Modesto City-County Airport Master Plan Report.

II. THE PROJECT:

The proposed project is an updated master plan for Modesto City-County Airport (Airport). This project contains several components: 1) capital measures designed to improve aeronautical facilities at the Airport; 2) new aviation and nonaviation development on vacant and underdeveloped Airport properties; 3) expansion of certified commercial air carrier service including the use of turbojet aircraft. The Airport Master Plan is a management tool and a policy document that provides direction for the growth and development of the airport through the year 2010. Key elements of the master plan include forecasts of future aviation activity, airfield design, and building area and facilities requirements.

III. FINDINGS REGARDING ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The following statements summarize the potential significant environmental impacts and mitigation measures identified in the EIR/EA for the Airport Master Plan.

A. Rare or Endangered Plant and Animal Species
Soils and Seismic Activity
Historical or Archaeological Resources
Public Services

1. Impacts: The proposed Airport Master Plan (AMP) will not create significant impacts to rare or endangered species, soils and seismic activity, historical or archaeological resources, and/or public services.

2. Mitigation: None required other than existing policy and practices.

3. Facts: The Final Environmental Impact Report (FEIR) and Environmental Assessment (EA) on page S-1 identifies these impacts as insignificant.

Exhibit "A"

4. Findings: The Council finds that the project will not have a significant effect on these aspects of the environment and no mitigation is required.

B. Water Quality

1. Impacts: The airport is located adjacent to the Tuolumne River and the potential for discharge into river water does exist. Materials such as aviation fuels, agricultural chemicals, wash waters and storm runoff do have the potential to enter the Aquatic Eco system.

   A potential also exists for ground water contamination should storm runoffs or spills invade the existing dry wells on site. It must be noted that the potential for the above type contaminations do exist and would not be significantly increased as a result of project implementation.

2. Mitigation: The handling and disposal of hazardous waste materials shall be in accordance with all federal, state, and local regulations and laws.

   Development plans for any of the airport improvements presented in the Airport Master Plan shall include drainage and spill containment measures.

   Proper grading and drainage plans for new development shall be presented to the City for review and approval prior to the issuance of any building permits.

   Drainage plans shall include provisions to route runoff and spills away from existing dry wells.

   All underground storage tanks shall be installed according to state and federal UST standards. All tanks reaching their expected life shall be tested for integrity on a yearly basis.

3. Facts: One or more of the above measures shall be implemented during either the development of vacant land or installation of underground storage tanks to prevent any runoff or spillage.

4. Findings: The Council finds that changes have been required or incorporated into the project that avoid or substantially lessen the effect.

C. Aesthetics/Light and Glare

1. Impacts: Installation of new lighting systems could impact pilots approaching the airport. These systems could either directly impact a pilot's vision or make it difficult for a pilot to distinguish distinct airport facility lighting.

2. Mitigation: All lighting plans for airport development projects shall comply with FAA standards and shall be reviewed by the Airport Operator to ensure that no conflicts develop. Fixtures shall be shielded and/or directed downward in such a fashion as to eliminate glare.

3. Facts: The above measures shall be implemented with each new proposed aviation use or nonaviation use project to prevent pilot or vision difficulties.

4. Findings: The Council finds that changes have been required or incorporated in the project that avoid or substantially lessen the effect.

D. Land Use

1. Impacts: There is a potential that land uses incompatible with airport operations may develop on the properties surrounding the airport.

2. Mitigation: The continued application of development restrictions contained in Stanislaus County's Airport Land Use Commission Plan (ALUC) is an appropriate and effective method for ensuring that only compatible uses are developed in areas impacted by airport operations. The ALUC will evaluate on and off airport development plans for compatibility with the most current approved Airport Land Use Commission Plan to ensure land use compatibility around the airport.

3. Facts: The continued application of Stanislaus County's ALUC will help assure property development around the airport is not incompatible with airport operations.

4. Findings: The Council finds that the City lacks direct jurisdiction to regulate land uses within the all encompassing Airport Area of Influence, but the ALUC, operated by Stanislaus County, can ensure that applicable uses develop. The County is a

joint owner of the airport. Such changes can and should be adopted by the County; and their implementation will reduce the impacts to a less than significant level.

E. Safety

1. Impacts: The current impacts to safety areas and zones as designated in Federal Aviation Regulations (FAR) is minimal. Little conflict currently exists between the various safety areas and surrounding land uses. However, while the airport has operated throughout the past with no major incidents being recorded within the approach and departure paths, the potential for future significant effects exists as the Airport Operator does not have complete development control of properties within the Approach Protection Area.

2. City Measures

a. Mitigation:

Safety Zones and Areas:

Implement the following measures prior to regular scheduled air carrier jet service:

Acquire easements for Runway 28R Inner-Transitional Obstacle Free Zone.

Obtain assurances from Tuolumne River Regional Park (TRRP) to prevent the creation or erection of obstacles within the Runway 28L Object Free Area.

Acquire easements for Runway 10R Runway Protection Zone.

Acquire easements for Runway 28L Runway Protection Zone.

Acquire easements, or purchase in fee, one lot in Runway 28R Runway Protection Zone.

Continue ALUC development restrictions beneath the Approach and Transitional Surfaces.

Height Limits Criteria:

Continue enforcement of Modesto Municipal Code Section 10-2.1803 by requiring developers of structures in excess of 35' above ground level (AGL) to obtain Airport Manager clearance.

Prior to the reintroduction of regular scheduled air carrier jet service, require avigation easements as a condition of building permits for new construction within the city limits and the Airport Area of Influence.

b. Facts:

The acquisition of either easements or avigation easements and enforcement of height restrictions will ensure that aircraft approach and departure paths are maintained in accordance with federal regulations. Compliance with federal laws and rules will prevent chances of aircraft damage and injury to the general public.

c. Findings:

The Council finds that changes have been required or are being incorporated into the project that avoid or lessen the effect.

3. Multijurisdictional Measures

a. Mitigation:

Accident Potential:

No specific mitigative actions are recommended other than the continued enforcement of ALUC development standards beneath the approach and transitional surfaces defined by Federal Aviation Regulation (FAR) Part 77 - Objects Affecting Navigable Airspace.

Height Limits Criteria:

Continue enforcement of Stanislaus County Code Title 17, and the City of Ceres Municipal Code Title 18 by referring developers proposing construction of structures inside the airport's FAR Part 77 surfaces to the Modesto City-County Airport Manager for clearance.

Prior to the reintroduction of scheduled air carrier jet service, request the County and City of Ceres Planning Departments to obtain

avigation easements as a condition of building permits for new construction within their respective Sphere of Influence that also is within the airport's most current Area of Influence.

b. Facts:

The avigation easements and height restriction enforcement that aircraft approach and departure paths are maintained in accordance with federal regulations, thereby preventing chances for aircraft damage or injury to persons.

c. Findings:

The Council will implement these mitigation measures within the City of Modesto, but lacks the jurisdiction to regulate in the unincorporated County or the City of Ceres, and finds that these agencies can and will adopt such regulations to mitigate the impacts to a less than significant level.

F. Noise

1. Impacts:

The proposed Airport Master Plan projects that increased aircraft activity, with the resumption of scheduled air carrier turbo jet service, will result in increased noise levels within the airport's residential environment. The FEIR projects, in a worst case scenario, approximately 1,036 dwelling units and at least one school will be subjected to noise levels of 65dB CNEL or greater. These levels are in excess of acceptable state standards. Depending on the timing of introduction of regular air carrier jet service, number of daily flights, and the air carriers use of quiet (Stage 3) aircraft, the impacted areas could be significantly smaller. In a best case scenario, approximately 331 dwelling units and no schools will be impacted.

2. City Measures:

a. Mitigation:

Prior to implementation of regular air carrier scheduled jet service:

Prepare a new noise contour based on proposed daily schedule frequency and type of aircraft (Stage 2 or Stage 3) to be used. Thereafter, each proposed 10 additional Stage 2 air carrier and 20 Stage 3 daily departures will require a new noise contour based on the latest computer noise model.

Based on the above studies, implement a voluntary soundproofing program of residences and schools that lie within the most current 65dB CNEL Noise Contour.

Every five years between commencement of air carrier jet service and the year 2010, the City of Modesto will physically monitor noise levels within the Airport Area of Influence and publish a report of the findings.

Increase pilot awareness of noise sensitive areas and noise abatement procedures.

Continue existing voluntary noise abatement flight procedures published in the Modesto Tower Letter to Airmen.

b. Facts:

Following the reintroduction of scheduled air carrier jet service, the noise level monitoring and voluntary soundproofing program will ensure that noise generated from the proposed project will result in noise levels that do not exceed acceptable State of California standards. As air carriers replace fleet aircraft with Stage 3 (quiet) aircraft, the impact area will become significantly smaller. The National Noise Act of 1990 requires that air carrier jet aircraft all be Stage 3 aircraft by December 31, 2003.

c. Findings:

The Council finds that implementation of these mitigation measures within the city limits of Modesto will reduce aircraft generated noise to a less than significant level.

3. Multijurisdictional Measures

a. Request Stanislaus County to modify the ALUC referral area to be consistent with the Modesto

City-County Airport transitional surface or the FAR Part 150 1995/96 (Exhibit 1-2) 60dB CNEL contour, whichever is larger.

Adopt ordinance requiring Modesto Association of Realtors to make fair real estate disclosure for the sale or lease of homes in the Airport Area of Influence.

Amend local building codes for new or remodel construction of homes, schools, and churches within the Airport Area of Influence requiring interior noise levels that do not exceed 45dB CNEL. Request Stanislaus County and City of Ceres to amend their building codes to require future construction within the Airport Area of Influence that assures interior noise levels of homes, schools, and churches do not exceed 45dB CNEL.

Amend building codes that require acoustical studies be performed for new development in areas exposed to noise levels in excess of 60dB CNEL with the goal of achieving interior noise levels of 45dB CNEL. Request that Stanislaus County and City of Ceres also amend their building codes.

Create an interagency consisting of airport users and planning staff with the City of Modesto, Stanislaus County, and the City of Ceres to coordinate with the various impacted jurisdictions and the public and pilots to monitor and inform the public with regard to noise impacts and noise abatement methods.

b. Facts:

Following the reintroduction of scheduled air carrier jet service, the noise level monitoring and voluntary soundproofing program will ensure that noise generated from the proposed project will result in noise levels that do not exceed acceptable State of California standards. As air carriers replace fleet aircraft with Stage 3 (quiet) aircraft, the impact area will become significantly smaller. The National Noise Act of 1990 requires that air carrier jet aircraft all be Stage 3 aircraft by December 31, 2003.

c. Findings:

The Council finds that the City of Modesto lacks jurisdiction to unilaterally implement these mitigation measures. The County of Stanislaus has the power to modify the ALUC referral area. The City of Ceres, Stanislaus County and the City of Modesto each have the authority to implement changes in the laws of their perspective jurisdiction as it regards to real estate disclosures, building code interior noise levels and acoustical studies. Each of these agencies also have authority to participate in the interagency commission. Such measures will be adopted by the City of Modesto prior to implementation of jet service. Such changes can and should be implemented by the City of Ceres and County of Stanislaus.

G. Air Quality

1. Impacts: A variety of activities take place at an airport that generate air pollutants. These sources include:

* Exhaust gases from aircraft
* Fuel evaporation during aircraft refueling
* Exhaust from aircraft service vehicles and equipment
* Fuel combustion of space and water heaters
* Exhausts from autos, buses, taxis, and other vehicles that use an airport.

Of these sources, exhaust from aircraft and surface vehicles are the primary generators of pollutant emissions. The proposed project will contribute to increased pollutant emissions as a result of increased aircraft operations and vehicles. However, it must be recognized that Stanislaus County is already designated a nonattainment area and that the airport mitigation efforts cannot solve the problem.

2. Mitigation:

Vehicular Access: The use of high occupancy vehicles can mitigate the effects of increased passenger movements associated with forecast growth. Bus service to the airport shall be expanded as passenger volume warrants. The airport already encourages local hotel operators to provide

courtesy van service by providing preferential curb side parking. Facilities are provided for passengers to make direct telephone requests for the van service.

Aircraft Emissions: Emission rates from aircraft are regulated by federal agencies and not local airports. Emissions are, however, affected by operational factors, and these are to an extent controllable. The FAA's airport control tower personnel and airline operators will be immediately requested to adopt a policy of minimizing aircraft taxiing and engine idling time throughout the landing, deplaning, enplaning, and takeoff cycles.

Construction: All future construction contracts shall require contractors to control dust generation in accordance with the City of Modesto's Dust Control Ordinance. Combined, the following specific measures will reduce dust impacts to a less than significant level:

* Provide equipment and personnel for watering all exposed or disturbed soil as needed to control windblown dust.

* Cover stockpiles of debris, soil, sand, gravel, etc., that can be blown by the wind.

* Sweep paved construction areas and adjacent pavement areas of all mud and dust on a regular basis.

* Restrict the clearing of land during windy periods.

* Use sprinklers or water trucks to moisten site soils during foundation construction.

* Maintain the vegetation cover on idle or underdeveloped land.

* Mulch bare or exposed soils to stabilize against wind erosion.

3. Facts:

Stanislaus County and the Central San Joaquin Valley area are already designated as an air quality nonattainment area. Increased airport and

aircraft operations will contribute to further impact the quality of our air; however, use of recommended mitigation measures will help to reduce some of the project's impact.

4. Findings:

Changes have been required or incorporated in the project that substantially lessen the effect of the project on air quality. However, the Council finds that while City mitigation efforts can help the air quality, they cannot reduce the impact to a level of insignificance. We, the Council, therefore will adopt a Statement of Overriding Consideration.

H. Traffic and Circulation

1. Impacts: The proposed Airport Master Plan projects will generate additional surface traffic on two sides of the airport. Project traffic and anticipated future background traffic growth will reduce the peak hour traffic levels of service at five intersections around the airport. Only three of these intersections are projected to have unacceptable peak hour service levels without mitigation measures.

2. Mitigation: The following measures are identified by the Final EIR to mitigate the project's traffic impacts, and shall be implemented prior to the reintroduction of scheduled jet air carrier service and construction of an on site hotel:

The City will enhance existing airport directional signing on east bound Yosemite Blvd. to better direct airport-destined traffic to use alternate routes to reach the airport instead of Mitchell Road. Install and/or enhance directional signing for downtown-destined traffic leaving the airport to use alternate routes also.

In conjunction with the development of a hotel, the City and developer will make changes to the Mitchell Road/Tenaya Drive intersection, add a dedicated left-turn lane for east bound traffic, and adjust signal timing to better service east bound flow.

At the Mitchell Road/Airport Way (Riverside Drive) intersection, the City will provide a second south bound left-turn lane on the Riverside Drive approach.

At the Tenaya Drive/Airport Way (Spenker Ave.) intersection, the City will provide a four-way stop sign control, add a right-turn-only lane to the northbound Airport Way approach, add a west bound left-turn pocket on Tenaya Drive, and add an additional east bound lane on Tenaya Drive from Airport Way to Mitchell Road to service right-turns from Airport Way. Some of these improvements are expected to be included in normal frontage improvements associated with the proposed office park and hotel developments.

3. Facts:

a. The final EIR on page S-2 states that with the implementation of these mitigation measures, the project's traffic impacts will be mitigated. In addition, it is the City's policy to prepare traffic impact analyses for individual project proposals which generate over 100 trips in the

peak hour. Therefore, major individual components of the Airport Master Plan projects will receive further analysis and mitigation identification as they develop.

4. Findings:

The Council finds that the implementation of the above measures will mitigate potential significant impacts to a level of insignificance.

I. Alternatives to the Proposed Project

Both CEQA and NEQA require that reasonable alternatives to the proposed project be explored. The FEIR/EA evaluated three alternatives to the proposed Modesto City-County Airport Master Plan and the potential impacts of each alternative.

No Project:

The No Project alternative is based on the assumption that no improvements are made to airport facilities and no jet air carrier service is implemented.

1. Facts:

This alternative would fail to attain the primary objectives of the proposed master plan, which are to provide upgraded aviation facilities and improve

air carrier passenger service at the airport in order to accommodate the projected increases in aviation demand, improve the airport's operational efficiency, and enhance safety. While the No Project alternative may appear superior on the surface, it is, in fact, the contrary. Aviation activity at the public airport will increase regardless of improvements, resulting in additional aircraft taxi/idle times and apron congestion. In turn, this would result in potential increases in pollutants due to excessive aircraft engine running time, additional vehicle trips to distant airports, and reduced safety as more aircraft compete for space in the limited apron area.

2. Findings:

The Council finds that the No Project alternative is not feasible since it fails to attain the basic objective of the project and because it is not environmentally superior.

Project - No Air Carrier-No Corporate Facilities:

This alternative proposes that Modesto City-County Airport would only be utilized as a general aviation and commuter service airport.

1. Facts:

The Modesto City-County Airport is a public use facility that receives federal funds for improvements, and to deny an air carrier the right to use the airport could be considered discrimination. The limitation of corporate facilities and scheduled air service will be seen as a negative by businesses thinking of locating to the Modesto or Stanislaus County area. Air passengers would be required to drive to distant airports, thereby increasing surface traffic and air pollution.

2. Findings:

The Council finds that the Project No Air Carrier-No Corporate Facilities alternative is not feasible since it fails to encourage economic development, which is needed for the City's goal of job housing balance, and because it is not environmentally superior.

Project - No Air Carrier:

This alternative proposes that the Modesto City-County Airport would serve as a corporate general aviation and commuter service airport only.

1. Facts:

The reintroduction of jet air carrier service has a significant impact on noise levels; however, through a voluntary residential soundproofing program unacceptable levels can be mitigated. Modesto is a public airport and the City would find it very difficult to deny an air carrier access. A community the size of Modesto and Stanislaus County deserves and needs service to more than one or two destinations. The City will find it more difficult to attract economic development without adequate air service. Communities with more than one domestic or commuter carrier are able to offer the most economical fares because of the competition between carriers.

2. Findings:

The Council finds that the proposed alternative Project - No Air Carrier fails to attain the Council's goals of economical air service for the community's citizens and creating jobs through the Economic Development Strategy Program.

STATEMENT OF OVERRIDING CONSIDERATIONS
MODESTO CITY-COUNTY AIRPORT MASTER PLAN

The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Modesto City-County Airport Master Plan, will result in the following unavoidable significant environmental effects: cumulative air quality impacts due to increased surface traffic and jet aircraft operations. The region is currently in violation of state and federal air quality standards and the project will exacerbate the problem. These effects are documented in the Modesto City-County Master Plan Final EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures that reduce their effects to a less-than-significant level.

In approving the Modesto City-County Airport Master Plan, the City Council finds that the following benefits outweigh the unavoidable significant effects on cumulative air quality impacts identified in the Final EIR. The following factors and public benefits were considered and comprise the Statement of Overriding Considerations for the impacts that have not been substantially mitigated:

1. Increased air service associated with the proposed project will bring an estimated 12% increase in travellers to Modesto who will spend money on economy and bring in sales and transient occupancy taxes.

2. Improved hangar space resulting from the proposed project will add to the property tax base at a rate of $.30 per square foot per year.

3. The Airport Master Plan recommends that certain parcels be used for a hotel, restaurant and office park. The completion of these proposed projects will generate an estimated 49-78 new jobs, and an estimated additional $77,700 - 97,200 increase in annual transient occupancy taxes. The projects are estimated to increase city sales tax revenue between $4,500 - 10,200 annually.

4. Increased aircraft operations associated with the proposed project will result in increased fuel sales with greater revenue to city which collects $.06 cents per gallon sold.

Exhibit "B"

5. Improvement of city property by further hangar construction via leases, as contemplated in Master Plan, will increase valuation of city property after termination of the land lease and will remain as long term financial and capital benefits to the City of Modesto.

6. Increased space for corporate aircraft pursuant to the proposed project makes the city more attractive to businesses and presents greater opportunities for economic development.

7. The improved service pursuant to the proposed project will benefit all local residents in ease of travel to and from the city.

8. Increased competition resulting from implementation of the proposed project will provide more economical airfares for all local residents.

FORWARD
MODESTO CITY-COUNTY AIRPORT MASTER PLAN

In March 1993, an Environmental Impact Report (EIR) was completed for the Modesto City-County Airport Master Plan. This document, along with the FAR Part 150 Study, chronicled and projected, in numerous scenarios and alternatives, the potential environmental impacts that would occur with further development and expansion of operations at the airport.

Assembly Bill 3180, which was later codified into Public Resources Code Section 21081.6, requires that public agencies adopt a Mitigation Monitoring Program to ensure that the mitigation measures brought forth in the EIR are carried out.

The City of Modesto's Mitigation Monitoring Program (see Appendix E) is the key element that provides the necessary assurances for completion and compliance of the stated mitigation measures. The responsible agency and time frames for completion of these measures have, to the largest extent possible, been included in the mitigation measures themselves. Thus, the measures take on a degree of "self-monitoring."

The City of Modesto aims to balance the future development of the airport with a high level of environmental protection for its people and the people of adjacent jurisdictions. Chapter 7 presents a broad overview of the environmental concerns associated with the planned future development of this airport. This document, along with the EIR, shows that these concerns are being met and can be carried out.

Impact Mitigation Directory

Impact	Mitigating Monitoring Plan	Airport Master Plan
Water Quality	Pg. 2E	Pg. 84
Land Use	Pg. 67 and 3E	Pg. 83
Safety	Pg. 72 and 4E	Pg. 81
Air Quality	Pg. 5E	Pg. 37
Traffic and Circulation	Pg. 7E	Pg. 84
Noise	Pg. 82-86 and 8E	Pg. 74-77

Exhibit "C"

APPENDIX E
MITIGATION MONITORING PROGRAM FOR MODESTO CITY-COUNTY AIRPORT MASTER PLAN

Public Resource Code, Section 21081.6 requires public agencies to adopt a reporting or monitoring program for all mitigation measures identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. These measures serve as environmental safeguards pursuant to future development of the Modesto City-County Airport Master Plan. In an effort to incorporate these safeguards into future development of the airport, this Mitigation Monitoring Program shall be adopted and included as part of the Master Plan.

The stated mitigation measures are predicated upon the construction of new major facilities or the introduction of regularly scheduled air carrier jet service.

Water Quality

1. Impacts:

   The airport is located adjacent to the Tuolumne River and the potential for discharge into river water does exist. Materials such as aviation fuels, agricultural chemicals, wash waters and storm runoff do have the potential to enter the Aquatic Eco system.

   A potential also exists for ground water contamination should storm runoffs or spills invade the existing dry wells on site. It must be noted that the potential for the above type contaminations do exist and would not be significantly increased as a result of project implementation.

2. Mitigation:

   The handling and disposal of hazardous waste materials shall be in accordance with all federal, state, and local regulations and laws.

   Development plans for any of the airport improvements presented in the Airport Master Plan shall include drainage and spill containment measures.

   Proper grading and drainage plans for new development shall be presented to the City for review and approval prior to the issuance of any building permits.

   Drainage plans shall include provisions to route runoff and spills away from existing dry wells.

All underground storage tanks shall be installed according to state and federal UST standards. All tanks reaching their expected life shall be tested for integrity on a yearly basis.

3. Responsible Agency(s):

City of Modesto Public Works and Transportation Department

Aesthetics/Light and Glare

1. Impacts:

Installation of new lighting systems could impact pilots approaching the airport. These systems could either directly impact a pilot's vision or make it difficult for a pilot to distinguish distinct airport facility lighting.

2. Mitigation:

All lighting plans for airport development projects shall comply with FAA standards and shall be reviewed by the Airport Operator to ensure that no conflicts develop. Fixtures shall be shielded and/or directed downward in such a fashion as to eliminate glare.

3. Responsible Agency(s):

~~Federal Aviation Administration~~
City of Modesto Public Works and Transportation Department

Land Use

1. Impacts:

There is a potential that land uses incompatible with airport operations may develop on the properties surrounding the airport.

2. Mitigation:

The continued application of development restrictions contained in Stanislaus County's Airport Land Use Commission Plan (ALUC) is an appropriate and effective method for ensuring that only compatible uses are developed in areas impacted by airport operations. The ALUC will evaluate on and off airport development plans for compatibility with the most current approved Airport Land Use Commission Plan to ensure land use compatibility around the airport.

3. Responsible Agency(s):

Stanislaus County Airport Land Use Commission
City of Modesto Public Works and Transportation Department

Safety:

1. Impacts:

The current impacts to safety areas and zones as designated in Federal Aviation Regulations (FAR) is minimal. Little conflict currently exists between the various safety areas and surrounding land uses. However, while the airport has operated throughout the past with no major incidents being recorded within the approach and departure paths, the potential for future significant effects exists as the Airport Operator does not have complete development control of properties within the Approach Protection Area.

2. Mitigation:

a. City Measures:

Safety Zones and Areas:

Implement the following measures prior to regular scheduled air carrier jet service:

Acquire easements for Runway 28R Inner-Transitional Obstacle Free Zone.

Obtain assurances from Tuolumne River Regional Park (TRRP) to prevent the creation or erection of obstacles within the Runway 28L Object Free Area.

Acquire easements for Runway 10R Runway Protection Zone.

Acquire easements for Runway 28L Runway Protection Zone.

Acquire easements, or purchase in fee, one lot in Runway 28R Runway Protection Zone.

Continue ALUC development restrictions beneath the Approach and Transitional Surfaces.

Height Limits Criteria:

Continue enforcement of Modesto Municipal Code Section 10-2.1803 by requiring developers of structures in excess of 35' above ground level (AGL) to obtain Airport Manager clearance.

Prior to the reintroduction of regular scheduled air carrier jet service, require avigation easements as a condition of building permits for new construction within the city limits and the Airport Area of Influence.

b. Multijurisdictional Measures

Accident Potential:

No specific mitigative actions are recommended other than the continued enforcement of ALUC development standards beneath the approach and transitional surfaces defined by Federal Aviation Regulation (FAR) Part 77 - Objects Affecting Navigable Airspace.

Height Limits Criteria:

Continue enforcement of Stanislaus County Code Title 17, and the City of Ceres Municipal Code Title 18 by referring developers proposing construction of structures inside the airport's FAR Part 77 surfaces to the Modesto City-County Airport Manager for clearance.

Prior to the reintroduction of scheduled air carrier jet service, request the County and City of Ceres Planning Departments to obtain avigation easements as a condition of building permits for new construction within their respective Sphere of Influence that also is within the airport's most current Area of Influence.

3. Responsible Agency(s):

City of Modesto Public Works and Transportation Department
Stanislaus County
City of Ceres

Air Quality:

1. Impacts:

A variety of activities take place at an airport that generate air pollutants. These sources include:

* Exhaust gases from aircraft
* Fuel evaporation during aircraft refueling
* Exhaust from aircraft service vehicles and equipment
* Fuel combustion of space and water heaters
* Exhausts from autos, buses, taxis, and other vehicles that use an airport

Of these sources, exhaust from aircraft and surface vehicles are the primary generators of pollutant emissions. The proposed project will contribute to increased pollutant emissions as a result of increased aircraft operations and vehicles. However, it must be recognized that Stanislaus County is already designated a nonattainment area and that the airport mitigation efforts cannot solve the problem.

2. Mitigation:

Vehicular Access: The use of high occupancy vehicles can mitigate the effects of increased passenger movements associated with forecast growth. Bus service to the airport shall be expanded as passenger volume warrants. The airport already encourages local hotel operators to provide courtesy van service by providing preferential curb side parking. Facilities are provided for passengers to make direct telephone requests for the van service.

Aircraft Emissions: Emission rates from aircraft are regulated by federal agencies and not local airports. Emissions are, however, affected by operational factors, and these are to an extent controllable. The FAA's airport control tower personnel and airline operators will be immediately requested to adopt a policy of minimizing aircraft taxiing and engine idling time throughout the landing, deplaning, enplaning, and takeoff cycles.

Construction: All future construction contracts shall require contractors to control dust generation in accordance with the City of Modesto's Dust Control Ordinance. Combined, the following specific measures will reduce dust impacts to a less than significant level:

* Provide equipment and personnel for watering all exposed or disturbed soil as needed to control windblown dust.

* Cover stockpiles of debris, soil, sand, gravel, etc., that can be blown by the wind.

* Sweep paved construction areas and adjacent pavement areas of all mud and dust on a regular basis.

* Restrict the clearing of land during windy periods.

* Use sprinklers or water trucks to moisten site soils during foundation construction.

* Maintain the vegetation cover on idle or underdeveloped land.

* Mulch bare or exposed soils to stabilize against wind erosion.

3. Responsible Agency(s):

City of Modesto Public Works and Transportation Department

Traffic and Circulation

1. Impacts:

The proposed Airport Master Plan projects will generate additional surface traffic on two sides of the airport. Project traffic and anticipated future background traffic growth will reduce the peak hour traffic levels of service at five intersections around the airport. Only three of these intersections are projected to have unacceptable peak hour service levels without mitigation measures.

2. Mitigation:

The following measures are identified by the Final EIR to mitigate the project's traffic impacts, and shall be implemented prior to the reintroduction of scheduled jet air carrier service and construction of an on site hotel:

The City will enhance existing airport directional signing on east bound Yosemite Blvd. to better direct airport destined traffic to use alternate routes to reach the airport instead of Mitchell Road. Install and/or enhance directional signing for downtown destined traffic leaving the airport to use alternate routes also.

In conjunction with the development of a hotel, the City and developer will make changes to the Mitchell Road/Tenaya Drive intersection, add a dedicated left-turn lane for east bound traffic, and adjust signal timing to better service east bound flow.

At the Mitchell Road/Airport Way (Riverside Drive) intersection, the City will provide a second south bound left-turn lane on the Riverside Drive approach.

At the Tenaya Drive/Airport Way (Spenker Ave.) intersection, the City will provide a four-way stop sign control, add a right-turn-only lane to the north bound Airport Way approach, add a west bound left turn pocket on Tenaya Drive, and add an additional east bound lane on Tenaya Drive from Airport Way to Mitchell Road to service right turns from Airport Way. Some of these improvements are expected to be included in normal frontage improvements associated with the proposed office park and hotel developments.

3. Responsible Agency(s):

City of Modesto Public Works and Transportation Department

Noise

1. Impacts:

The proposed Airport Master Plan projects that increased aircraft activity, with the resumption of scheduled air carrier turbo jet service, will result in increased noise levels within the airport's residential environment. The FEIR projects, in a worst case scenario, approximately 1,036 dwelling units and at least one school will be subjected to noise levels of 65dB CNEL or greater. These levels are in excess of acceptable state standards. Depending on the timing of introduction of regular air carrier jet service, number of daily flights, and the air carriers use of quiet (Stage 3) aircraft, the impacted areas could be significantly smaller. In a best case scenario, approximately 331 dwelling units and no schools will be impacted.

2. Mitigation:

a. City Measures:

Prior to implementation of regular air carrier scheduled jet service:

Prepare a new noise contour based on proposed daily schedule frequency and type of aircraft (Stage 2 or Stage 3) to be used. Thereafter, each proposed 10 additional Stage 2 air carrier and 20 Stage 3 daily departures will require a new noise contour based on the latest computer noise model.

Based on the above studies, implement a voluntary soundproofing program of residences and schools that lie within the most current 65dB CNEL Noise Contour.

Every five years between commencement of air carrier jet service and the year 2010, the City of Modesto will physically monitor noise levels within the Airport Area of Influence and publish a report of the findings.

Increase pilot awareness of noise sensitive areas and noise abatement procedures.

Continue existing voluntary noise abatement flight procedures published in the Modesto Tower Letter to Airmen.

b. Multijurisdictional Measures

- Request Stanislaus County to modify the ALUC referral area to be consistent with the Modesto City-County Airport transitional surface or the FAR Part 150 1995/96 (Exhibit 1-2) 60dB CNEL contour, whichever is larger.

  Adopt ordinance requiring Modesto Association of Realtors to make fair real estate disclosure for the sale or lease of homes in the Airport Area of Influence.

  Amend local building codes for new or remodel construction of homes, schools, and churches within the Airport Area of Influence requiring interior noise levels that do not exceed 45dB CNEL. Request Stanislaus County and City of Ceres to amend their building codes to require future construction within the Airport Area of Influence that assures interior noise levels of homes, schools, and churches do not exceed 45dB CNEL.

  Amend building codes that require acoustical studies be performed for new development in areas exposed to noise levels in excess of 60dB CNEL with the goal of achieving interior noise levels of 45dB CNEL. Request that Stanislaus County and City of Ceres also amend their building codes.

  Create an interagency consisting of airport users and planning staff with the City of Modesto, Stanislaus County, and the City of Ceres to coordinate with the various impacted jurisdictions and the public and pilots to monitor and inform the public with regard to noise impacts and noise abatement methods.

3. Responsible Agency(s):

City of Modesto Public Works and Transportation Department
City of Ceres Public Works Department
Stanislaus County Public Works Department

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-230

A RESOLUTION APPROVING THE MASTER PLAN FOR THE MODESTO CITY-COUNTY AIRPORT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING ENVIRONMENTAL IMPACTS AND CERTIFYING COPIES THEREOF.

WHEREAS, pursuant to Resolution No. 77-283, a Master Plan for the Modesto City-County Airport was approved by the City Council, and

WHEREAS, the Modesto City-County Airport is part of the Federal Aviation Administration's National Airspace and Airports' System Plan, and is required to have an approved Master Plan in order to be eligible for Federal funds, and

WHEREAS, said Master Plan approved by Resolution No. 77-283 mentioned above is out of date, and

WHEREAS, the City of Modesto retained the services of the consulting firm of Hodges & Shutt to prepare the Airport Master Plan Update, and

WHEREAS, the Modesto City-County Airport Master Plan is a comprehensive assessment of the Airport's current and projected aviation activity and resulting facility requirements, and

WHEREAS, said plan is intended to help guide the City of Modesto in the decisions essential to future development and operation of the Airport, and

WHEREAS, the City of Modesto's Environmental Assessment Committee directed that a full EIR be prepared before the Master Plan Update could be considered for approval, and

WHEREAS, Hodges & Shutt (Airport Master Plan Update Consultants) and McClintock, Becker & Associates (EIR Consultants), presented progress reports of their respective studies to the Airport Advisory Committee, and

WHEREAS, copies of both Consultant reports have been distributed to the State of California, the County of Stanislaus, the Planning Departments of both the Cities of Modesto and Ceres, the area school districts, and public libraries in Modesto and Ceres, and

WHEREAS, the draft EIR was circulated for a minimum 45-day public review and comment period beginning December 24, 1992, and ending February 19, 1993, and the draft Airport Master Plan has also been available for public review and comment since that date, and

WHEREAS, in January 1993, the Transportation Policy Committee heard a report by the consultants on the EIR and recommended that City staff schedule a City Council public hearing to receive an update on the Airport Master Plan and EIR, and

WHEREAS, on January 26, 1993, the City Council held a duly noticed public hearing for the Airport Master Plan and Environmental Impact Report, which was continued to February 23, 1993, and later to March 23, 1993, when it was closed, and

WHEREAS, public agencies, individuals, and groups submitted written comments on the EIR which have been responded

to in writing and which are included in the Final Impact Report/Environmental Assessment for Modesto City-County Airport Master Plan Report prepared by P&D Technologies, and

WHEREAS, the Master Plan has been revised to address issues raised during the public review of these documents and to accommodate mitigation measures identified in the Final EIR, and

WHEREAS, Section 15093 of the CEQA Guidelines require that the City Council adopt a Statement of Overriding Considerations when approving a project that has one or more significant environmental effects that cannot be mitigated to a level of less-than-significant,

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final Environmental Impact Report/Environmental Assessment for the Modesto City-County Airport Master Plan Report which has been prepared by P&D Technologies, dated March 10, 1993, and the Council has certified that said EIR is complete and adequate and has been completed in compliance with the California Environmental Quality Act (CEQA) prior to approving the Airport Master Plan.

SECTION 2. The City Council hereby adopts the Modesto City-County Airport Master Plan Report dated April 1993, a copy of which is on file in the office of the City Clerk.

SECTION 3. The City Council hereby finds that certain

air quality impacts of the Master Plan cannot be fully mitigated, but that the benefits of the proposed project outweigh the unavoidable adverse environmental effects as more fully set forth in the Statement of Overriding Considerations, attached as Exhibit "A" and incorporated herein by reference.

SECTION 4. The City Clerk is hereby directed to certify a copy of this resolution and the Modesto City-County Airport Master Plan Report to the Planning Departments of the County of Stanislaus and the City of Ceres.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Bird, Friedman, Vice Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

STATEMENT OF OVERRIDING CONSIDERATIONS
MODESTO CITY-COUNTY AIRPORT MASTER PLAN

The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Modesto City-County Airport Master Plan, will result in the following unavoidable significant environmental effects: cumulative air quality impacts due to increased surface traffic and jet aircraft operations. The region is currently in violation of state and federal air quality standards and the project will exacerbate the problem. These effects are documented in the Modesto City-County Master Plan Final EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures that reduce their effects to a less-than-significant level.

In approving the Modesto City-County Airport Master Plan, the City Council finds that the following benefits outweigh the unavoidable significant effects on cumulative air quality impacts identified in the Final EIR. The following factors and public benefits were considered and comprise the Statement of Overriding Considerations for the impacts that have not been substantially mitigated:

1. Increased air service associated with the proposed project will bring an estimated 12% increase in travellers to Modesto who will spend money on economy and bring in sales and transient occupancy taxes.

2. Improved hangar space resulting from the proposed project will add to the property tax base at a rate of $.30 per square foot per year.

3. The Airport Master Plan recommends that certain parcels be used for a hotel, restaurant and office park. The completion of these proposed projects will generate an estimated 49-78 new jobs, and an estimated additional $77,700 - 97,200 increase in annual transient occupancy taxes. The projects are estimated to increase city sales tax revenue between $4,500 - 10,200 annually.

4. Increased aircraft operations associated with the proposed project will result in increased fuel sales with greater revenue to city which collects $.06 cents per gallon sold.

Exhibit "A"

5. Improvement of city property by further hangar construction via leases, as contemplated in Master Plan, will increase valuation of city property after termination of the land lease and will remain as long term financial and capital benefits to the City of Modesto.

6. Increased space for corporate aircraft pursuant to the proposed project makes the city more attractive to businesses and presents greater opportunities for economic development.

7. The improved service pursuant to the proposed project will benefit all local residents in ease of travel to and from the city.

8. Increased competition resulting from implementation of the proposed project will provide more economical airfares for all local residents.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-231

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,400 TO COMPLETE IMPLEMENTATION OF PHASE I OF THE HEATING, VENTILATION, AIR CONDITIONING (HVAC) STUDY AT THE CENTRE PLAZA

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

FROM:	Utilities, Marketing and Repair and Maintainence accounts	$30,400
TO:	HVAC Study - Phase I Implementation	$30,400

These are funds needed to implement Phase I of the HVAC study. This work will greatly improve the air conditioning during the summer months and create an annual utilities savings of $10,440.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th **day of** April **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

230123-45B
(Golf Course Refinancing)

JHHW:BDQ:rhc

03/08/93
03/22/93
04/12/93
04/13/93

Print

CITY OF MODESTO, CALIFORNIA

RESOLUTION NO. 93-232

RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS RELATING TO THE REFUNDING OF CERTAIN PRIOR OBLIGATIONS RELATING TO GOLF COURSE IMPROVEMENTS, AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, AUTHORIZING EXECUTION OF A CERTIFICATE PURCHASE AGREEMENT AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

RESOLVED, by the City of Modesto, California (the "City"), as follows:

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

WHEREAS, in connection therewith, the City proposes to refinance the construction of certain golf course improvements (the "Project") by providing for an advance deposit of lease payments due by the City to the Authority under a lease agreement, dated as of February 1, 1990, by and between the Authority and the City and providing for the defeasance of certain certificates of participation executed and delivered by Bank of America National Trust and Savings Association, as trustee, under a trust agreement, dated as of February 1, 1990, by and among the City, the Authority and such trustee, in the principal amount of $6,570,000, of which $6,430,000 aggregate principal amount is currently outstanding (the "Golf Course Certificates");

WHEREAS, it is in the public interest and for the public benefit that the City authorize and direct execution of the Lease Agreement and certain other financing documents in connection therewith;

WHEREAS, the City also currently proposes to refinance the construction of certain community center improvements by providing for an advance deposit of lease payments due by the City to the Redevelopment Agency of the City of Modesto (the "Agency"), under a lease agreement, dated as of May 15, 1991, by and between the Agency and the City, and providing for the defeasance of certain certificates of participation executed and delivered by First Interstate Bank of California, as trustee, under a trust agreement, dated as of May 15, 1991, by and among the City, the Agency and such trustee, in the principal amount of $24,945,000, of which $24,280,000 aggregate principal amount is currently outstanding (the "Community Center Certificates" and, with the Golf Course Certificates, the "Prior Obligations");

WHEREAS, Smith Barney, Harris Upham & Co. Incorporated and Grigsby Brandford & Co., Inc. (the "Underwriters"), have been directed to prepare a preliminary official statement (the "Preliminary Official Statement") containing information material to the offering and sale of the Certificates of Participation described below; and

WHEREAS, the documents described in this resolution are either on file in the office of the City Clerk or have been presented to each member of the City Council;

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

Section 1. The below-enumerated documents be and are hereby approved, and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a site and facility lease, between the City, as lessor, and the Authority, as lessee;

(b) a lease agreement, between the Authority, as lessor, and the City, as lessee (the "Lease Agreement"), so long as the stated term of the Lease Agreement does not exceed thirty-five (35) years, so long as the principal amount of the Lease Agreement does not exceed $10,000,000, and so long as the maximum annual lease payments payable by the City under the Lease Agreement does not exceed $700,000;

(c) a trust agreement, by and among the Authority, the City and First Trust of California, National Association, as trustee (the "Trust Agreement"), relating to the financing, and the execution and delivery of certificates of participation evidencing the direct, undivided fractional interests of the owners thereof in lease payments to be made by the City under the Lease Agreement (the "Certificates of Participation");

(d) an escrow deposit and trust agreement, by and between the City and the trustee for the Golf Course Certificates, relating to the defeasance of the City's obligations with respect to the Golf Course Certificates; and

(e) a purchase agreement by and between the Underwriters and the City relating to the purchase by the Underwriters of the Certificates of Participation, so long as the Underwriters' discount with respect to the Certificates of Participation (exclusive of any original issue discount, which is not compensation to the Underwriters) does not exceed 1.5% and so long as the City realizes net present value savings as a result of the refunding of any Prior Obligations that are determined to be refunded.

Section 2. The City Council hereby approves the Preliminary Official Statement, together with any changes therein or additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director. The City Council authorizes and directs the Mayor, the City Manager or the Finance Director, on behalf of the City, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution by the financial advisor.

Section 3. The Mayor, the City Manager or the Finance Director is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said Final Official Statement, dated as of the date of the sale of the Certificates of Participation, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Certificates of Participation, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Certificates of Participation, and does not, as of the date of delivery of the Certificates of Participation, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Mayor, the City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director

and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the final Official Statement by the City.

Section 4. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

Section 5. The Mayor, the City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

Section 6. This Resolution shall take effect upon its adoption by this City Council.

* * * * * * * *

I, the undersigned City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of the City at a meeting thereof on the 20th day of April, 1993, by the following vote of the members thereof:

AYES: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: None

ABSTAIN:

ABSENT: Muratore, Patterson, Mayor Lang

Acting City Clerk JUDY C. HALL

Print

CITY OF MODESTO, CALIFORNIA

RESOLUTION NO. 93-233

RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS RELATING TO THE REFUNDING OF CERTAIN PRIOR OBLIGATIONS RELATING TO COMMUNITY CENTER IMPROVEMENTS, AUTHORIZING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO, AUTHORIZING EXECUTION OF A CERTIFICATE PURCHASE AGREEMENT AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

RESOLVED, by the City of Modesto, California (the "City"), as follows:

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

WHEREAS, in connection therewith, the City proposes to refinance the construction of certain community center improvements (the "Project") by providing for an advance deposit of lease payments due by the City to the Redevelopment Agency of the City of Modesto (the "Agency"), under a lease agreement, dated as of May 15, 1991, by and between the Agency and the City, and providing for the defeasance of certain certificates of participation executed and delivered by First Interstate Bank of California, as trustee, under a trust agreement, dated as of May 15, 1991, by and among the City, the Agency and such trustee, in the principal amount of $24,945,000, of which $24,280,000 aggregate principal amount is currently outstanding (the "Community Center Certificates");

WHEREAS, it is in the public interest and for the public benefit that the City authorize and direct execution of the Lease Agreement and certain other financing documents in connection therewith;

WHEREAS, the City also currently proposes to refinance the construction of certain golf course improvements by providing for an advance deposit of lease payments due by the City to the Authority under a lease agreement, dated as of February 1, 1990, by and between the Authority and the City and providing for the defeasance of certain certificates of participation executed and delivered by Bank of America National Trust and Savings Association, as trustee, under a trust agreement, dated as of February 1, 1990, by and among the City, the Authority and such trustee, in the principal amount of $6,570,000, of which $6,430,000 aggregate principal amount is currently outstanding (the "Golf Course Certificates" and, with the Community Center Certificates, the "Prior Obligations");

WHEREAS, Smith Barney, Harris Upham & Co. Incorporated and Grigsby Brandford & Co., Inc. (the "Underwriters"), have been directed to prepare a preliminary official statement (the "Preliminary Official Statement") containing information material to the offering and sale of the Certificates of Participation described below; and

on the date of sale of the Certificates of Participation, and does not, as of the date of delivery of the Certificates of Participation, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. The Mayor, the City Manager or the Finance Director shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the final Official Statement, which shall include such changes and additions thereto deemed advisable by the Mayor, the City Manager or the Finance Director and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the final Official Statement by the City.

Section 4. The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Certificates of Participation.

Section 5. The Mayor, the City Manager, the Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates as may be necessary to effect the purposes of this resolution and the financing herein authorized.

Section 6. In accordance with the provisions of section 33445 of the California Health and Safety Code and in furtherance of the delivery of the Certificates of Participation, the City hereby determines that (a) the buildings, facilities, structures and other improvements to be financed to be financed through the Reimbursement Agreement are of benefit to the Project Area or the immediate neighborhood in which the Project Area is located, and (ii) no other reasonable means of financing such buildings, facilities, structures and other improvements is available to the community.

Section 7. This Resolution shall take effect upon its adoption by this City Council.

* * * * * * * *

I, the undersigned City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of the City at a meeting thereof on the 20th day of April, 1993, by the following vote of the members thereof:

AYES: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: None

ABSTAIN:

ABSENT: Muratore, Patterson, Mayor Lang

Acting City Clerk JUDY C. HALL

APPROVED AS TO FORM

Michael D. Milich, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-234

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES, HALL, HILL & WHITE FOR LEGAL SERVICES IN CONJUNCTION WITH THE REFUNDING OF CERTIFICATES OF PARTICIPATION FOR THE CENTRE PLAZA AND CREEKSIDE GOLF COURSE PROJECTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones, Hall, Hill & White for legal services in conjunction with the refunding of Certificates of Participation for the Centre Plaza dna Creekside Golf Course projects

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Acting Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-235

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAUSCHER, PIERCE, REFSNES, INC. FOR FINANCIAL ADVISORY SERVICES IN CONJUNCTION WITH THE REFUNDING OF CERTIFICATES OF PARTICIPATION FOR THE CENTRE PLAZA AND CREEKSIDE GOLF COURSE PROJECTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rauscher, Pierce, Refsnes, Inc. for financial advisory services in conjunction with the refunding of Certificates of Participation for the Centre Plaza and Creekside Golf Course projects

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Acting Mayor Cogdill
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Patterson, Mayor Lang

ATTEST: JUDY E. HALL, Acting City Clerk

PRINT

RESCINDED
JUL 10 2018
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2018-296

MODESTO CITY COUNCIL
RESOLUTION NO. 93-236

A RESOLUTION ESTABLISHING FEES FOR FIRE PREVENTION INSPECTIONS RELATING TO INSPECTIONS OF FIREWORKS SALES STANDS, FIELD FIRE FLOW TESTING, MOBILE/PORTABLE FOOD VENDING EQUIPMENT AND TENT AND AIR SUPPORTED STRUCTURES, AND RESCINDING RESOLUTION NO. 88-917.

WHEREAS, Section 3-1.109 of the Modesto Municipal Code provides that a permit shall be required for the storage and sale of fireworks, and

WHEREAS, Section 11-1.14(d) of the Modesto Municipal Code provides for testing of water supply devices for watertightness and reliability, and

WHEREAS, Section 3-1.123(c) of the Modesto Municipal Code provides that the use of liquefied petroleum gas for cooking, lighting or heating shall be prohibited in the City of Modesto, subject to certain exceptions, and

WHEREAS, Section 3-1.110 of the Modesto Municipal Code provides that a person shall not use within a building or structure any heating, lighting, or cooking appliance which uses certain flammable or combustible liquids, and

WHEREAS, in accordance with provisions of the 1991 Uniform Fire Code and the Modesto Municipal Code, each of the aforementioned items requires the Fire Prevention Bureau to make an inspection and issue a fire permit, and

WHEREAS, the Fire Marshal has recommended the implementation of certain service fees for said inspection and issuance of permits, and

WHEREAS, a charter city is empowered to impose valid regulatory fees pursuant to the direct grant of police power in Article XI, Section 7 of the California Constitution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following service fees be, and hereby are, established and shall be implemented effective May 1, 1993, for the following Fire Department inspections:

1. FIREWORKS: Fire safety inspection of fireworks sales stands.

Zoning Review	
Code Enforcement Officer (10 minutes)	$ 6.85
Processing Permit	
Administrative Clerk (30 minutes)	$13.27
Inspecting Fireworks Booth	
Fire Captain (30 minutes)	$15.57
Fire Engine (30 minutes)	$15.00
TOTAL	$50.69

Fee per stand for inspection and permit $50.00

2. FIELD FIRE FLOW TESTS: Securing fire flow test results of water supply systems.

a.	Fire Inspector hourly pay	$23.49 x 2 for 30 min.		$23.49
b.	Indirect Cost	@	12.3%	$ 2.89
c.	Fringe Benefit	@	53.1%	$12.47
d.	Vehicle Cost per hour	$ 1.31	For 30 min.	$ .66
		TOTAL		$39.51

Fee per test performed $40.00

3. MOBILE/PORTABLE FOOD VENDING EQUIPMENT: Fire safety inspection of mobile/portable food vending equipment which utilizes liquefied petroleum gas for food preparation.

a.	Fire Inspector hourly pay	$23.49	For 15 min.	$ 5.87
b.	Indirect Cost @	12.3%		$ 1.45
c.	Fringe Benefit @	50%		$ 6.24
		TOTAL		$19.44

Fee per inspection and permit $20.00

4. TENT AND AIR SUPPORTED STRUCTURE: Review of plot plan, Municipal Code requirements and State of California Administrative Code requirements including on-site compliance inspection.

1. Tents less than 1,500 square feet of floor area.

(a)	Fire Inspector hourly pay	$23.49	For 45 min.	$17.72
(b)	Indirect Cost @	12.3%		$ 2.18
(c)	Fringe Benefit @	53.1%		$ 9.41
(d)	Vehicle Cost per hour	$ 1.31	For 45 min.	$ .98
		TOTAL		$30.29

Fee per tent including permit $31.00

2. Tents in excess of 1,500 square feet and less than 15,000 square feet of floor area.

(a)	Fire Inspector hourly pay	$23.49	For 1.5 hrs.	$35.24
(b)	Indirect Cost @	12.3%		$ 4.33
(c)	Fringe Benefit @	53.1%		$18.71
(d)	Vehicle Cost per hour	$ 1.31	For 1.5 hrs.	$ 1.97
		TOTAL		$60.25

Fee per tent including permit $61.00

3.	Tents in excess of 15,000 square feet of floor area.			
(a)	Fire Inspector hourly pay	$23.49	For 2.5 hrs.	$ 58.73
(b)	Indirect Cost @	12.3%		$ 7.22
(c)	Fringe Benefit @	53.1%		$ 31.19
(d)	Vehicle Cost per hour	$ 1.31	For 2.5 hrs.	$ 3.28
		TOTAL		$100.42
	Fee per tent including permit			$101.00

BE IT FURTHER RESOLVED that Resolution NO. 88-917 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-237

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WIDENING BRIGGSMORE AVENUE - STATE ROUTE 99 TO TULLY ROAD AND CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT

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

SECTION 1. The plans and specifications for the widening of Briggsmore Avenue - State Route 99 to Tully Road , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 25, 1993 , at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

WHEREAS, the City Council certifies that it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April , 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODEST CITY COUNCIL
RESOLUTION 93-238

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE REVENUE FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF BRIGGSMORE AVENUE FROM SR99 TO TULLY ROAD.

WHEREAS, the City anticipates receiving State-Local Transportation Partnership funding on the project.

WHEREAS, the State match ratio is approximately 21% of the eligible project costs.

WHEREAS, the total estimated revenue is $640,000, this actual amount will be budgeted when the bids and actual award amount are known.

WHEREAS, this project is currently funding with CFF-streets funds. This additional revenue will enable the construction of this project to begin.

THEREFORE, the following adjustment is necessary:

CFF Streets Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
141-430-B032-6040	Briggsmore, Prescott-Tully, Widen	$0
Revenues		
141-430-0000-3138	State Share-State Local Partnership Funding	$0

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-239

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING WATER METERS

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

SECTION 1. The specifications for furnishing water meters

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 17, 1993 at 11:25 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

9

MODESTO CITY COUNCIL
RESOLUTION NO. 93-240

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING JANITORIAL SERVICES TO CENTRE PLAZA, CENTRE PLAZA GARAGE AND THE COMMUNITY DEVELOPMENT DIVISION OFFICE

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

SECTION 1. The specifications for furnishing janitorial services to Centra Plaza, Centre Plaza garage and the Community Development Division Office, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 2, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-241

Print

A RESOLUTION ACCEPTING THE BID OF AGEE CONSTRUCTION COMPANY, INC. FOR THE CLAUS ROAD BRIDGE WIDENING PROJECT

WHEREAS, Resolution No. 93-95 **, adopted by the Council of the City of Modesto on** March 2 **, 1993 , approved the plans and specifications for** the Claus Road bridge widening project

and authorized the calling for bids; and

WHEREAS, the bids received for the Claus Road bridge widening project **were opened at** 11:00 a.m. **on** April 1 **1993 , and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Agee Construction Company, Inc. in the amount of $1,922,003 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Agee Construction Company, Inc. in the amount of $1,922,003 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **, 19** 93 **, by Councilmember** Friedman, **who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-242

Print

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS FOR FURNISHING ONE NEW SEWER RODDING TRUCK

WHEREAS, Resolution No. 93-120 **, adopted by the Council of the City of Modesto on** March 9 **, 19**93 **, approved the plans and specifications for** the purchase of one new sewer rodding truck

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one new sewer rodding truck **were opened at** 11:00 a.m. **on** March 29, **19**93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Country Ford Trucks in the amount of $58,148

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks in the amount of $58,148 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **,** 19**93 **, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-243

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, there are approximately forty-one (41) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1992, the Police Reserves served a total of nineteen thousand three hundred seventy-two (19,372) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the officers who devoted many personal hours of service to the Police Reserves during the year 1992.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-244

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN FORESTRY GRANT PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION BOND ACT OF 1988 FOR THE MODESTO REFORESTATION PROJECT.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and nonprofit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project; and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

3. Certifies that funds under the jurisdiction of the City Council are available to begin the project; and

4. Certifies that said applicant will expend grant funds prior to June 30, 1994; and

5. Appoints the City Manager as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION 93-245

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ASSET FORFEITURE REVENUE.

WHEREAS, asset/forfeiture money is collected and held in trust by the City.

WHEREAS, this money can only be used for law enforcement purposes. Expenditures from these trust account funds must be appropriated to the Police 010 General Fund - capital equipment and/or operating accounts.

WHEREAS, it has been determined that the following equipment is necessary.

WHEREAS, this resolution approves that the following amount be transferred from trust for expenditure.

THEREFORE, the following adjustments are necessary:

General Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
010-190-1901-5568	Hostage phone	$ 3,016.
010-190-1901-5569	Telephone system modifications	$ 10,706.
010-190-1901-5572	Miniature Surveillance camera equipment	$ 2,764.
010-190-1901-5573	Computer system	$ 2,000.
010-190-1901-5592	Gang system software	$3,379.
Revenues		
010-190-1901-7202	Seized Forfeitures	$21,865

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-246

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN POWELL, SABRINA DAVIS AND JOHN SAXON HULBERT FOR THE ACQUISITION OF 1,589± SQ. FT. OF THEIR PROPERTY NEEDED FOR THE SCENIC WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen Powell, Sabrina Davis and John Saxon Julbert for the acquisition of 1,589± sq. ft. of their property for the Scenic widening project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-247

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM THE MARGARET R. SAHLMAN TRUST FOR THE SCENIC WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Margaret R. Sahlman Trust for the Scenic widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the Right of Entry from the Margaret R. Sahlman Trust for the Scenic widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-248

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. BOGGERI, TRUSTEE, AND DOROTHY BOGGERI AND ROBERT GOBBERI FOR THE LEASE OF 940 11TH STREET FOR THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charles J. Boggeri, Trustee, and Dolothy Boggeri and Robert Boggeri for the lease of 940 11th Street for the Housing Program Office

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **,** 19 93 **, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-249

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING TO ASSIST CITY STAFF IN FINALIZING THE VILLAGE ONE FACILITIES FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vail Engineering to assist City staff in finalizing the Village One Facilities Financing Plan

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-250

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO PROVIDE FUNDING FROM THE GENERAL FUND FOR THE VILLAGE ONE INFRASTRUCTURE FINANCING PLAN.

WHEREAS, on September 8, 1992, the City Council directed staff to seek a qualified consultant to further assist City staff to:

1. Revise the Village One Financing Plan to accommodate recently recommended changes in the Village One Public Facilities Master Plan, and

2. Provide professional assistance to City staff on selecting appropriate financing mechanisms in Village One, and

WHEREAS, staff has selected Vail Engineering to assist in the financing mechanisms for Village One, and

WHEREAS, this project is to be financed by the General Fund. The General Fund is to be reimbursed as Village One develops. The project will reside in Fund 130, and

WHEREAS, this resolution provides the financing for the project in the amount of $40,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are necessary:

SPECIAL FUND FOR CAPITAL OUTLAYS (130)

Fund/Agy/Organization		Increase (Decrease)
Expenditures		
130-140-C236-6010	Village One Infrastructure Financing Plan	$40,000
Revenues		
130-700-7000-9010	Transfer in from Fund 010	$40,000

GENERAL FUND (010)

Fund/Agy/Organization		Increase (Decrease)
Expenditures		
010-700-7000-7130	Transfer Out to Special Capital Outlays	$40,000
010-800-8000-8003	General Fund Contingency	$40,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-251

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,000 TO FUND ACTIVITIES OF THE MAYOR'S BASEBALL STADIUM COMMITTEE

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

FROM:	General Fund Contingency	$15,000
TO:	Mayor's Baseball Stadium Committee	$15,000

This appropriation transfer is necessary to provide funding for the Mayor's Baseball Stadium Committee activities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** April **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-252

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MACIAS AND MIRANDA, CPA'S, TO PROVIDE PROFESSIONAL AUDIT SERVICES BEGINNING WITH FISCAL YEAR ENDING JUNE 30, 1993, AND OPTIONAL FOUR SUBSEQUENT FISCAL YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Macias and Miranda, CPA's to provide professional audit services beginning with Fiscal Year ending June 30, 1993, and optional four subsequent fiscal years

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-253

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO IMPLEMENT THE THIRD QUARTER ANALYSIS.

WHEREAS, the City reviews its financial situation on a quarterly basis, and

WHEREAS, during the third quarter analysis, it was determined that certain adjustments were necessary, and

WHEREAS, the adjustments are discussed in detail in the Third Quarter Report on Status of the Fiscal Year 1992-93 Budget, presented to Council on April 27, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council that the 1992-93 Annual Budget shall be amended as noted on the third quarter analysis, attached hereto, marked Exhibit "A" and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

ADJUSTMENTS TO BUDGET

	ACCT FD AGY ORGN OBJT	APPROPRIATIONS	ASSOCIATED REVENUES	NET ADJUSTMENT
BENEFITS TRANSFER FOR FY93 RETIREES	010-700-7000-7151	275,146		
	751-700-7000-9010		275,146	
	010-800-8000-8003	(275,146)		
	751-800-8000-8003	275,146		0
BENEFITS TRANSFER FOR FY94 RETIREES	010-700-7000-7151	300,000		
	751-700-7000-9010		300,000	
	010-800-8000-8003	(300,000)		
	751-800-8000-8003	300,000		0
PERS MONIES	FUND BALANCE	(2,556,028)		
	010-800-8000-8003	768,452		
	010-800-8000-8006	(768,452)		
	010-510-9510-8155		1,778,342	
	010-700-7000-7130	768,452		
	130-700-7000-9010		768,452	
	130-800-8000-8003	768,452		
	010-800-8000-8003	232,752		
	010-800-8000-8003	1,124,337		
	080-800-8000-8003	408,829		
	080-700-7000-9010		408,829	
	010-700-7000-7080	408,829		
	010-800-8000-8003	1,800,000		0
GENERAL PLAN	010-800-8000-8003	(18,600)		
	010-140-1401-0235	16,300		
	010-140-1401-0217	2,300		0
VILLAGE I	010-800-8000-8003	(40,000)		
	010-700-7000-7130	40,000		
	130-700-7000-9010		40,000	
	130-140-C236-6010	40,000		0

Exhibit "A"

3RD QUART BUDGET ADJUSTMENTS

ADJUSTMENTS TO BUDGET

	ACCT FD AGY ORGN OBJT	APPROPRIATIONS	ASSOCIATED REVENUES	NET ADJUSTMENT
TRANSFER IN FROM FD 060	060-700-7000-7010	(80,000)		
MOTOR VEHICLE FEES REDUCED	010-700-7000-9060		(80,000)	
	060-510-9510-7110		(80,000)	
	060-800-8000-8003	(80,000)		0
REVENUE ADJUSTMENTS	010-510-9510-1201		(515,650)	
	010-510-9510-1204		(227,000)	
	010-190-1964-2104		15,000	
	010-410-4112-2207		600	
	010-410-4112-2210		(10,000)	
	010-510-9510-3116		(13,000)	
	010-320-3213-3134		(46,710)	
	010-190-1911-3729		24,666	
	010-440-4412-4002		(35,000)	
	010-440-4412-4007		(23,000)	
	010-140-1401-4011		(13,000)	
	010-440-4412-4012		(260)	
	010-190-1941-4021		2,000	
	010-190-1921-4024		1,000	
	010-190-1961-4028		(5,000)	
	010-180-1822-4034		(150)	
	010-180-1822-4035		(450)	
	010-180-1822-4041		900	
	010-370-3712-4068		8,325	
	010-320-3213-4070		5,000	
	010-370-3712-4074		15,150	
	010-040-0401-4092		(977)	
	010-510-9510-6101		(325,000)	
	010-380-3811-6207		100	
	010-380-3814-6213		1,400	
	010-360-3612-6225		1,200	
	010-190-1901-7202		(66,674)	

ADJUSTMENTS TO BUDGET

	ACCT FD AGY ORGN OBJT	APPROPRIATIONS	ASSOCIATED REVENUES	NET ADJUSTMENT
REVENUE ADJUSTMENTS	010-360-3621-8109		4,202	
	010-300-3001-8123		900	
	010-410-4112-8140		1,000	
	010-050-0501-8143		6,800	
	010-800-8000-8003	(1,193,628)		0
MAYOR'S BASEBALL STADIUM COMMITTEE	010-800-8000-8003	(15,000)		
	010-300-3001-0202	200		
	010-300-3001-0204	500		
	010-300-3001-0207	800	done by appr transfer on blue sheet presented	
	010-300-3001-0208	5,800	by p&r	
	010-300-3001-0235	7,300		
	010-300-3001-0301	400		0

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-254

A RESOLUTION AUTHORIZING THE RELEASE OF PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) REBATE MONEY FROM THE RESTRICTED FY 91-92 FUND BALANCE.

WHEREAS, it has become clear with the January California Supreme Court ruling that the State and Cities may properly use the PERS rebate, and

WHEREAS, the Court, without comment, rejected arguments from the Public Employees Retirement System (pers) that Governor Wilson and lawmakers acted unconstitutionally last year when they tapped the excess pension funds, and

WHEREAS, the total amount of the PERS rebate realized by the General Fund is $4.3 million, which includes PERS rebate dollars earned in Fiscal Years 1991-92 and 1992-93, and

WHEREAS, the FY 91-92 portion of the PERS rebate has been held as a restricted portion of fund balance pending court ruling, and

WHEREAS, a U.S. Supreme Court ruling will allow the City to allocate the one-time rebate of excessive PERS contributions, and City staff has proposed that the City Council lift the restriction on these funds and make them available for appropriation as set forth in the Agenda Report from the Finance Department dated April 22, 1993, a copy of which is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the release of the one-time rebate of excessive Public Employees Retirement Systems (PERS) money from the restricted FY 91-92 fund balance is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-255

A RESOLUTION APPOINTING THE CITY'S RISK MANAGER AND CHIEF BUILDING OFFICIAL TO THE SMOKING POLLUTION CONTROL ORDINANCE COMPLIANCE COMMITTEE

WHEREAS, the Human Services Committee met and noted that under the ordinance adopted by the Modesto City Council on April 6, 1993, exemptions may be granted by a three-member Smoking Pollution Control Ordinance Compliance Committee composed of the County Health Officer and two other persons appointed by the Modesto City Council; and

WHEREAS, it is the recommendation of the committee that the City's Risk Manager and the City's Chief Building Official be appointed as the two other members of the Committee.

NOW, THEREFORE BE IT RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Smoking Pollution Control Ordinance Compliance Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-256

A RESOLUTION CHANGING THE STREET NAME OF FRANZIA COURT TO RENO AVENUE IN THE CITY OF MODESTO.

WHEREAS, the Planning Commission at its February 22, 1993, meeting reviewed a request from the City of Modesto to rename Franzia Court to Reno Avenue, as it is in direct alignment with Reno Avenue which creates one street with two distinct names, and

WHEREAS, the Planning Commission by Resolution No. 93-6 adopted on February 22, 1993, recommended to the City Council that the name of Franzia Court be changed to Reno Avenue and that the street name signs should be replaced with one street name to read as follows:

"Reno Avenue (Franzia Court)"

and

WHEREAS, the proposed street name change has been referred to the City of Modesto Police Chief, Fire Chief, and Public Works and Transportation Department; the Postmaster; and Stanislaus County Planning, and Public Works Departments, and

WHEREAS, the proposed name change will result in the necessity of changing addresses to provide a logical addressing system to avoid confusion for emergency vehicles and visiting guests, and

WHEREAS, the Council of the City of Modesto by Resolution No. 93-196 adopted on April 6, 1993, declared its

intention to rename Franzia Court to Reno Avenue, and set said matter for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, located at 801 11th Street, Modesto, California, to be held on May 4, 1993, at the hour of 7:30 p.m., for hearing all persons interested in or objecting to the proposed renaming of Franzia Court to Reno Avenue, and

WHEREAS, said matter was duly noticed as required by law and was considered by the City Council at its meeting held at 7:30 p.m., on May 4, 1993, as set forth above, at which time it was found and determined that it would be desirable to change the street name of Franzia Court to "Reno Avenue (Franzia Court)", to avoid confusion for emergency vehicles and guests looking for addresses along a street with two distinct street names, as recommended by the Planning Commission, and

WHEREAS, City staff notified affected property owners and/or residents informing them of the formal proposed name change and requesting comments and opposition to said proposed name change, and

WHEREAS, seven residences will be affected by the name change, requiring a change of address, and some of these residents have expressed concern with the inconvenience of changing their addresses, and

WHEREAS, some of the residents also expressed a desire to maintain the name of Franzia in honor of Mr. Franzia, and

WHEREAS, Section 3409.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to give affected property owners adequate time to adjust to the street name change by notifying banks, friends, etc., and said policy provides that street name changes shall not take effect until at least 180 days from City Council action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that changing the street name of Franzia Court to Reno Avenue, to avoid confusion for emergency vehicles and guests looking for addresses along a street with two distinct street names, is hereby approved and the street sign shall be changed, effective January 1, 1994, to read as follows:

"Reno Avenue (Franzia Court)"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

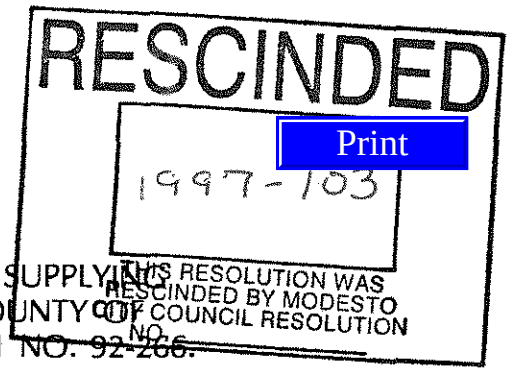
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 93-257

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND STAND-BY SERVICE TO THE COUNTY OF STANISLAUS AND RESCINDING RESOLUTION NO. 92-266.

WHEREAS, the County of Stanislaus, a political subdivision of the State of California, maintains in said County a County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, and

WHEREAS, water is used in large quantities at said Hospital, which water is ordinarily supplied from water pumps or plants owned and operated by said County, and

WHEREAS, in event that the said plants owned and or operated by said County should break down or for some reason become incapable of operation, it will be necessary for said County to secure water from some other source to supply said Hospital, and

WHEREAS, to insure a ready supply of water at all times it becomes necessary to have a supply in readiness at all times, which readiness to supply water at all times is hereinafter referred to as stand-by service, and

WHEREAS, the City of Modesto, a municipal corporation of Stanislaus County, California, is possessed of a supply of water and can furnish water to said County for the use of said Hospital and can likewise furnish stand-by service for the same, and

WHEREAS, the said County desires said City to furnish water for said Hospital when the same may be needed and to likewise furnish stand-by service for the same, and

WHEREAS, Section 11-1.08 of the Municipal Code authorizes the Council to establish by resolution the rate to be charged for providing water services to governmental agencies,

WHEREAS, the City Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, for the sum of $43.73 monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of $8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 92-266 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-258

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR A PERMIT FOR MONITORING WELLS OR EMERGENCY EXTRACTION WELLS AND RESCINDING RESOLUTION NO. 92-253.

WHEREAS, the City Council has adopted Section 5-1.503 of Chapter 1 of Title V of the Modesto Municipal Code which authorizes an application fee for a permit for monitoring wells and emergency extraction wells, and

WHEREAS, application for the permit will generate certain costs which must now be compensated for, and

WHEREAS, City staff has recommended changes to the schedule of fees for monitoring wells or emergency extraction wells, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 4, 1993, to consider the recommended changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for the above described permit shall be a fixed charge of Twenty and no/100ths ($20.00) Dollars, plus a fixed charge of Fifty-five and no/100ths ($55.00) Dollars for each well installed.

BE IT FURTHER RESOLVED that Resolution No. 93-253 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 5, 1993.

RESCINDED
1997-102
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
1997-
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-259

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE AND RESCINDING RESOLUTION NO. 92-257

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of $21.50 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 92-257 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
1997-101
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-260

A RESOLUTION ESTABLISHING CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION AND RESCINDING RESOLUTION NO. 92-258.

WHEREAS, Section 11-1.07 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for metered water service, and

WHEREAS, Section 11-1.10 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for unmetered water service, and

WHEREAS, it is desirable to establish the rates and charges for providing water service during the construction of buildings, and

WHEREAS, City staff has recommended an increase in the rate charged for water service during the construction of buildings, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that charges for providing water service during building construction are hereby established, as set forth on Exhibit "A", entitled "Procedure for Providing Water Service During Building Construction", which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED that Resolution No. 92-258 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

PROCEDURE FOR PROVIDING WATER SERVICE DURING BUILDING CONSTRUCTION

1. The water service charge furnished to single family residences, duplexes, and triplexes that are under construction will be a flat rate charge of $44.96. This charge along with the 6% utility users tax in the amount of $2.70 for a total of $47.66, will be assessed and paid at the time the building permit is issued.

2. Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

3. The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

4. In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

5. In the event a structure is occupied before final inspection of the structure, or water is used for other than that normally required for construction, the water service charge will be made at the established rate for regular service.

EXHIBIT "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-261

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-259.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect current costs of providing service, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:

RESCINDED
1997-100
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

SCHEDULE OF FEES AND CHARGES
FOR WATER SERVICES

Modesto Municipal Code Reference	Name of Fee or Charge and Itemization	Fee or Charge
11-1.04	Water service installation charges	
	1" service	$1,030.00
	1-1/2" service	1,050.00
	2" service	1,100.00
	4"-6" service	2,045.00
	8" service	2,210.00
	10" or larger service	COST
	Connection to existing main	2,600.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	$ 350.00
	Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.04*
	Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.04
11-1.05(a)	Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	18.00

	Water single check valve, 4 in.	400.00
	Water single check valve, 6 in.	500.00
	Water single check valve, 8 in.	750.00
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(b)	Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	18.00
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(c)(4)	Fire hydrant installation, each	$2,550.00
	Fire hydrant line to main per lineal foot Additional charge for each hydrant installation involving pavement removal and/or replacement.	2.50 350.00
	Fire main test	87.00

11-1.06(e)	Meter installation cost	
	Each 1" meter, New Service	$ 110.00
	Each 1" meter with traffic lid, New Service	170.00
	Each 1" meter, Retrofit Service	425.00
	Each 1" meter with traffic lid, Retrofit Service	520.00
	Each 1-1/2" meter	450.00
	Each 1-1/2" meter with traffic lid	535.00
	Each 2" meter	520.00
	Each 2" meter with traffic lid	605.00
	Each 4" meter	1,550.00
	Each 6" meter	2,400.00
	Each 8" meter	3,350.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER
11-1.09	Deposit to install meter on fire hydrant for construction water	500.00
11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	4.35
11-1.14(e)	Water disconnection NOTICE.	10.00
11-1.14(e)	Water Disconnect	10.00
11-1.14(e)	Water Reconnect	10.00
11-1.14(e)	Unauthorized Reconnect	25.00
11-1.14(e)	Lock Breakage	50.00 (plus lock)
11-1.14(e)	Disconnect Waterline at main for non-payment	375.00

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)

BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after July 5, 1993.

BE IT FURTHER RESOLVED that Resolution No. 92-259, adopted by the Council May 19, 1992, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
19[illegible] 93
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-262

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-260.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by the Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in

accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution No. 92-260 adopted by the City Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Resolution # 93-262

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

	TYPE PERMIT[6]	BASIC PERMIT[5] & INSP.	STAKING[1]	CRACK FILLING	PAVING[1]	CODE OR RES. REFERENCE
1.	Curbs and curb cuts	$76.50/lot[7]	4.20/l.f.	----	by City	7-1.108
2.	Sidewalks	$31.00/lot[7]	----	----	----	7-1.108
3.	Sewer Service from lot to sewer lateral	$39.00/each	----	$.60/l.f. of trench	$5.50/s.f.[9]	5-6.08; 7-2.22
4.	Sewer Laterals[2]	$ 1.15/l.f.	0.67/l.f.	$.60/l.f. of trench	$5.50/s.f.[9]	5-6.08; 7-2.22
5.	Storm Drains (through curb)	$26.00/each	----	----	----	7-1.108
6.	Utilities[3] Major Const.	$69.50/each	----	$.60/l.f. of trench	$5.50/s.f.[9]	7-2.27; 7-2.22
7.	Utilities[3] Service and Repair	$64.00/each	----	included in permit fee	$5.50/s.f.[9]	7-2.27; 7-2.22
8.	Street Closures (temporary)	$101.75/each	----	----	----	7-2.14
9.	Street Lights	$58.00/each	----	$.60/l.f. of trench	----	7-1.108

10.	Rock Wells or Storm Drain Connections	$58.00/each	----	$.60/l.f. of trench	----	7-1.108
11.	Street Construction	$62.00/lot[7]	----		----	7-1.108
12.	Improvements[8]	$62.00/lot[7]	----	$.60/l.f. of trench	----	7-1.108
13.	Other work not listed[10]	To be calculated	----	----	----	7-1.108
14.	Install refractor steel pole	$44.00/each	----	----	----	7-1.108
15.	Added refractor steel pole	$11.00/each	----	----	----	7-1.108
16.	Install mast arm wood pole	$102.00/each	----	----	----	7-1.108
17.	Added mast arm wood pole	$82.00/each	----	----	----	7-1.108
18.	Investigation of site[4]	To be calculated	----	----	----	7-1.108 7-2.27
19.	Install luminaire, standard pole	$16.50/each	----	----	----	7-1.108
20.	Soil Core Sample	$68.00/each	----	----	----	7-1.108

(1) Where no fee is shown, the work is to be performed by others as needed.

(2) Small laterals or extensions designed and drawn by the City shall pay an additional $3.50/l.f.

(3) Utility relocation required for City projects is not subject to a charge.

(4) Whenever any work is started in the public right of way for which a permit is required without first obtaining an encroachment permit, a special investigation shall be made before a permit is issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this resolution. The minimum investigation fee shall be the same as the minimum fee set forth for the specific type of work performed.

(5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:

a. Cleanup or dust control	$350.00 per street
b. Temporary paving	$220.00 per street
c. Temporary barricades	$130.00 per each

(6) Permits are required for all work done in all public rights of way, including public utility easements.

(7) For lots greater than 100′ frontage, each 100′ or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).

(8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.

(9) Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.

(10) To be calculated by Director Public Works and Transportation in each instance, based on the actual cost of doing the work including overhead.

Clerk

AMENDED
on Mar. 22, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 93-263

Print

A RESOLUTION ESTABLISHING INVESTIGATION AND PERMIT FEES RELATING TO MOVING OF BUILDINGS AND RESCINDING RESOLUTION NO. 92-263.

WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish, by resolution, investigation and permit fees relating to the moving of buildings, and

WHEREAS, investigation and permit fees relating to moving of buildings have previously been established, and

WHEREAS, City staff has recommended a decrease in said fees to reflect decreased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended fee decreases,

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

SECTION 1. INVESTIGATION FEES:

(a) When the building to be moved is located inside the City limits and is to be moved to a new site in the City, an investigation fee in the sum of $75.00 shall be paid to the City of Modesto Finance Director upon filing each application for a House Moving Inspection Permit.

(b) When the building to be moved is located outside the City limits and is to be moved to a new site in the City, an investigation fee equal to the sum of the estimated direct salary of one inspector while making the investigation, plus the cost of travel calculated at 23¢ per mile, but in no case less than $75.00 shall be

paid to the City of Modesto Finance Director upon filing each application for a House Moving Inspection Permit.

(c) When the building to be moved is located inside the City limits and is to be moved to a new site outside the City limits, there is no investigation fee.

SECTION 2. PERMIT FEES. A permit fee in the sum of $40.00 shall be paid to the City of Modesto Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 92-263 adopted by the City Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED

Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-264

A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND PARCEL MAPS AND RESCINDING RESOLUTION NO. 92-264.

WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees for the processing of tentative and final subdivision and parcel maps, and other procedures to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended increases in the filing fees for the processing of tentative and final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby established as follows:

(a)	Reversion to acreage	$190.50
(b)	Final parcel map checking fee	$385.00
(c)	Final (subdivision) map checking fee for subdivisions of 10 or less lots	$385.00

(d)	Final (subdivision) map checking fee for subdivisions of 10 or more lots	$385.00
	Plus per each lot in excess of 10	$ 7.85
(e)	Parcel map improvement plan check fee	$240.00
(f)	Subdivision improvement plan check fee for subdivisions of 10 or less lots	$335.00
(g)	Subdivision improvement plan check fee for subdivisions of 10 or more lots	$335.00
	Plus each lot in excess of 10	$ 11.50
(h)	Property owners' association document checking fee	$185.00
(i)	Certificate of compliance	$137.00
(j)	Summary right of way abandonment	$190.00

SECTION 2. REPEALS. Resolution No. 92-264 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Amended & Restated by 2007-287

MODESTO CITY COUNCIL
RESOLUTION NO. 93-265

Print

A RESOLUTION ESTABLISHING SEWER BOND REDEMPTION CHARGES AND SEWER SUBTRUNK EXTENSION CHARGES AND RESCINDING RESOLUTION NO. 90-831.

WHEREAS, Sections 5-6.04 and 5-6.06 of the Modesto Municipal Code provide that the Council may establish by resolution sewer bond redemption charges and sewer subtrunk extension charges for property connecting to the sewage system, and

WHEREAS, sewer subtrunk extension charges shall be paid unless the property has previously participated in the cost of construction of a subtrunk sewer, and

WHEREAS, City staff has recommended an increase in the sewer subtrunk extension charge to reflect increased costs, and

WHEREAS, on May 4, 1993, the Council of the City of Modesto held a public hearing to consider the recommended changes,

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

SECTION 1. FEES FOR SEWER BOND REDEMPTION CHARGES: The sewer bond redemption fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto Municipal Code Reference	Name of Charge and Itemization	Charge
5-6.04	Bond Redemption Charge:	
	Residential Single dwelling unit - (Includes mobile home, mobile home space within a mobile home park, apartment, condominium, townhouse)	$500.00 each
	Commercial Industrial	$2,000.00 net acre

SECTION 2. FEES FOR SEWER SUBTRUNK EXTENSION CHARGES: The subtrunk extension fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY SEWAGE SYSTEM

Modesto Municipal Code Reference	Name of Charge and Itemization	Charge
5-6.06	Subtrunk Extension Charge:	
	Residential Commercial	
	(1) For that property which was annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolution No. 80-191 (South Airport Annexation to the City of Modesto) which was adopted on the fourth day of March, 1980	$150.00 gross acre

(2) For all other residential or commercial property not listed in (1) above	$645.00 gross acre

BE IT FURTHER RESOLVED that the acreage used to determine sewer bond redemption charges shall be as follows:

Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code, and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of bond redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that the acreage used to determine sewer subtrunk connection fees shall be as follows:

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of sewer subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that Resolution No. 90-831 adopted by the Council on October 16, 1990, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

OPONOSQMsw

MODESTO CITY COUNCIL
RESOLUTION NO. 93-266

Print

A RESOLUTION APPROVING A FEE SCHEDULE FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT AND RESCINDING RESOLUTION NO. 92-268.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution, and

WHEREAS, the City Council held a public hearing at its regular meeting on May 4, 1993, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee of Sixteen and no/100ths ($16.00) Dollars shall be charged per 1000 gallons for the dumping of septic tank waste at the sewage treatment plant.

BE IT FURTHER RESOLVED that Resolution No. 92-268 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

BE IT FURTHER RESOLVED that the rates established by this resolution shall become effective on and after July 5, 1993.

RESCINDED
1997-94
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

RESCINDED

1997-90

Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-267

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-269.

WHEREAS, upon request, copies of various maps and prints are made available to the public by various departments of the City, and

WHEREAS, the Council has previously established fees and charges for obtaining said maps and prints, and

WHEREAS, City staff has recommended an increase in said fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 4, 1993, to consider the recommended changes,

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

SECTION 1. FEES AND CHARGES: The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for copies of various maps and prints listed thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to governmental agencies which obtain copies of maps and prints.

SECTION 3. REPEALS. Resolution No. 92-269 adopted by the Council on May 19, 1992, is hereby rescinded effective July 4, 1993.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A.	Mylar	$ 8.35
B.	Sepia	$ 1.40
C.	Blue-line	$ .30

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee	$ .90 map, drawing, photo, etc.

MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee	$3.80 map, drawing, photo, etc.

PLAIN PAPER COPY FROM MICROFILM

The cost of producing a plain paper copy from microfilm on equipment maintained by the Engineering Division shall be on a per image basis, plus sales tax.

Fee	$4.75 image
Standard Specifications - Original Issue	$40.00
Standard Specifications - Annual Update	$25.00

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 93-268

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING DIGESTER CLEANING SERVICES

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

SECTION 1. The specifications for furnishing digester cleaning services , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 24, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-269

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING LIQUID CHLORINE

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

SECTION 1. The specifications for furnishing liquid chlorine

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 24, 1993 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-270

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE MELTER APPLICATOR FOR SEALING CRACKS IN STREETS

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

SECTION 1. The specifications for furnishing one melter applicator for sealing cracks in streets , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 24, 1993 at 11:10 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-271

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR STREET OVERLAYS - OAKDALE ROAD AND SYLVAN AVENUE

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

SECTION 1. The specifications for street overlays - Oakdale Road and Sylvan Avenue , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 27, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-272

Print

A RESOLUTION ACCEPTING THE BIDS OF COUNTRY CLUB, H.V. CARTER, DUKE EQUIPMENT AND RAMACHER MANUFACTURING FOR FURNISHING LAWN AND TURF EQUIPMENT

WHEREAS, Resolution No. 93-96, adopted by the Council of the City of Modesto on March 2, 1993, approved the plans and specifications for the purchase of lawn and turf equipment, and authorized the calling for bids; and

WHEREAS, the bids received for furnishing lawn and turf equipment were opened at 11:00 a.m. on March 22, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Country Club for $9,522; H.V. Carter for $93,712; Duke Equipment for $75,182; and Ramacher Manufacturing for $13,398 be accepted as the lowest responsible bids.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bids of Country Club, H.V. Carter, Duke Equipment and Ramacher Manufacturing be accepted and the execution of contracts by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-273

A RESOLUTION ACCEPTING THE MODIFICATION OF TRAFFIC SIGNALS AT MAZE BOULEVARD AND EMERALD AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the modification of traffic signals at Maze and Emerald

has been completed by Bowden Electric, Inc.

in accordance with the contract agreement dated September 15, 1992.

NOW, THEREFORE, BE IT RESOLVED that the modification of traffic signals at Maze and Emerald

be accepted from said contractor, Bowden Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $39,195 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-274

Print

A RESOLUTION ACCEPTING THE MODESTO MUNICIPAL GOLF COURSE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Modesto Municipal Golf Course

has been completed by Hackett Environmental Systems, Inc.
in accordance with the contract agreement dated January 23, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Municipal Golf Course

be accepted from said contractor, Hackett Environmental Systems, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $3,562,889.44 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-275

Print

A RESOLUTION ACCEPTING THE MODESTO MUNICIPAL GOLF COURSE CLUBHOUSE PROJECT

WHEREAS, a report has been filed by the Director of Public Works, that the Modesto Municipal Golf Course Clubhouse

has been completed by Hackett Environmental Systems, Inc.
in accordance with the contract agreement dated May 15, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Municipal Golf Course Clubhouse

be accepted from said contractor, Hackett Environmental Systems, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $625,861 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-276

A RESOLUTION ACCEPTING THE BID OF F.B. HART/ALLSTATE FOR FURNISHING ONE NEW GONDOLA DUMP TRUCK

WHEREAS, Resolution No. 93-142 , adopted by the Council of the City of Modesto on March 23 , 1993 , approved the plans and specifications for the purchase of one new gondola dump truck

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one new gondola dump truck

were opened at 11:00 a.m. on April 12, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of F.B. Hart/Allstate in the amount of $28,260

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of F.B. Hart/Allstate in the amount of $28,260 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May , 1993 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-277

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE ORDER FOR ADDITIONAL RIP RAP REPAIR AT THE STORAGE PONDS ON JENNINGS ROAD - 1993

WHEREAS, the City of Modesto has contracted with Glen Wilson Trucking, Inc. for rip rap repair at the storage ponds on Jennings Road; and

WHEREAS, Glen Wilson Trucking, Inc. has requested a contract change order in the amount of $21,500 to allow rip rap rock to be placed in additional newly exposed areas at the pond site.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the contract change order for additional rip rap repair at the storage ponds on Jennings Road - 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-278

A RESOLUTION DIRECTING STAFF TO SUBMIT PART 2 OF THE NPDES MUNICIPAL STORMWATER PERMIT TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD BY MAY 17, 1993, AND FURTHER DIRECTING THAT A LETTER OF PROTEST BY THE CITY OF MODESTO REGARDING THIS UNFUNDED FEDERAL MANDATE BE SUBMITTED WITH SAID PERMIT APPLICATION TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD.

WHEREAS, on November 16, 1990, the Environmental Protection Agency published regulations that require municipalities over 100,000 in population to apply for an NPDES Municipal Stormwater Permit, and

WHEREAS, Part 1 of the Application was submitted as required by May 18, 1992, and

WHEREAS, last fall the City Council directed staff to enter into a contract with Brown & Caldwell to prepare Part 2 of the Application, and that work has been completed and is ready for submission to the Regional Water Quality Control Board, and

WHEREAS, Part 2 of the NPDES Permit Application must contain two main elements consisting of an Implementation Plan and a Monitoring Plan, and

WHEREAS, the Implementation Plan sets forth the activities which the City will undertake during the five-year permit period to reduce non-point source pollution of Dry Creek and the Tuolumne River due to urban runoff to the Maximum Extent Practicable, and

WHEREAS, the activities to be undertaken by the City in

its Implementation Plan must include public education, illicit connection and illegal dumping elimination, new development design standards, and oversight of construction and industrial permittees, and

WHEREAS, the Monitoring Program describes the annual monitoring to be performed by the City in characterizing the long-term improvements in receiving water quality as a result of the Implementation Plan, and

WHEREAS, the Implementation Plan and Monitoring Program have been developed as a cooperative effort of all the City departments affected and have been reviewed with Regional Water Quality Control Board staff who have indicated general support of the program elements proposed, and

WHEREAS, said Regional Water Quality Control Board staff has six months to review the application, request any revisions, and issue the permit, and

WHEREAS, on April 27, 1993, the Utility Services and Franchises Committee reviewed the Implementation Program and its schedule and recommended it be sent to the City Council for approval, and

WHEREAS, Part 2 of the NPDES Municipal Stormwater Permit is due to the Regional Water Quality Control Board by May 17, 1993, on penalty of civil fines and criminal penalties, and

WHEREAS, the federal regulations requiring this permit

application are unfunded federal environmental mandates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs City staff to submit Part 2 of the NPDES Stormwater Permit to the Central Valley Regional Water Quality Control Board by May 17, 1993.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby further directs that a letter of protest by the City of Modesto expressing the City's displeasure with unfunded federal environmental mandates be submitted with said permit application to the Central Valley Regional Water Quality Control Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

05/05/93--CA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-279

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, NINETEENTH YEAR APPLICATION, JULY 1, 1993, TO JUNE 30, 1994, AND AUTHORIZING THE CITY MANAGER TO FILE THE APPLICATION, INCLUDING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN, WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND DESIGNATING THE CITY MANAGER TO ACT IN CONNECTION WITH THE APPLICATION AND TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED; AND ADOPTING THE STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND USE OF CDBG FUNDS FOR PROGRAM YEAR 1993-1994.

WHEREAS, on April 12, 1976, by Resolution No. 76-538 the City Council of the City of Modesto established a Housing Maintenance Program to work under the guidance and control of the Citizens Housing and Community Development Committee on community development activities, and to make appropriate recommendations to the City Council, and

WHEREAS, the City of Modesto has been advised by the Department of Housing and Urban Development that the City's Community Development Block Grant allocation for the Fiscal Year 1993-1994 will be $1,959,000, and

WHEREAS, the City has also received Fiscal Year 1984, 1985, 1986, 1987, 1988, 1989, and 1990 Rental Rehabilitation funding in the amount of $540,000 with administrative expenses covered by the block grant resources, and

WHEREAS, the Housing Program Office of the City of Modesto has followed the Department of Housing and Urban Development regulations for the Citizen Participation Plan as part of the pre-submission process, and

WHEREAS, the Housing Program Office of the City of Modesto has disseminated information to the Modesto community regarding the Proposed 1993-1994 Community Development Objectives and Use of CDBG Funds, and

WHEREAS, a public workshop to assist persons interested in applying for funding was held on December 7, 1992, and

WHEREAS, requests for funding were presented by organizations to the Citizens Housing and Community Development Committee on March 5, 1993, and

WHEREAS, the Comprehensive Housing Affordability Strategy a prerequisite to the CDBG application, was approved by the City Council by Resolution No. 92-127 on March 17, 1992, by HUD on April 10, 1992, and the annual update was approved by HUD on February 26, 1993, and

WHEREAS, the Citizens Housing and Community Development Committee reviewed the 1993-1994 Statement of Community Development Objectives and Use of CDBG Funds on March 5, 1993, and April 16, 1993, and recommended to the Council for their approval, and

WHEREAS, the City of Modesto has provided citizens with information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken and other related information, and

WHEREAS, the City of Modesto has provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Council does hereby approve the 1993-1994 Community Development Block Grant Program Application.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to file said application, including all understandings and assurances, and certifications contained therein, with the U.S. Department of Housing and Urban Development and designates the City Manager to act in connection with said application and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Statement of Community Development Objectives and Use of Funds for Program Year 1993-1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-280

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND POST NEWSWEEK CABLE FOR A 24-INCH STEEL CASING BEING INSTALLED UNDER STATE ROUTE 99 SOUTH OF PELANDALE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Post Newsweek Cable for a 24-inch steel casing being installed under State Route 99 South of Pelandale Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th **day of** May **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-281

A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH CALTRANS TO ACCEPT AN ADDITIONAL $31,600 IN STATE FUNDING FOR THE MORTON BOULEVARD UNDERPASS GRADE SEPARATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the supplemental agreement with Caltrans to accept an additional $31,600 in State funding for the Morton Boulevard underpass grade separation project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-282

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAMAN V. AND USHA R. PATEL FOR REIMBURSEMENT OF SOME OR ALL OF THE OFF-SITE ROAD IMPROVEMENT COSTS FOR A DEVELOPMENT LOCATED BETWEEN SALIDA BOULEVARD AND FREEWAY 99, SOUTH OF PELANDALE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Raman V. and Usha R. Patel for reimbursement of some or all of the off-site road improvement costs for a motel, restaurant and convenience market development located between Salida Boulevard and Freeway 99, south of Pelandale Avenue **be, and it is hereby approved.**

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th **day of** May **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-283

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID M. GRIFFITH & ASSOCIATES FOR STATE MANDATED COSTS CLAIMING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David M. Griffith & Associates for State mandated costs claiming services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-284

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WIDENING THE SOUTH SIDE OF SCENIC DRIVE FROM COFFEE TO ROSE AVENUE

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

SECTION 1. The specifications for the widening of the south side of Scenic Drive from Coffee to Rose Avenue , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 10, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May 1993 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-285

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR A BID FOR FURNISHING ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

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

SECTION 1. The specifications for furnishing annual pump repair for the City's ground water pumping stations , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 1, 1993 , at 10:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-286

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL TIRE RECAPPING AND SERVICE REQUIREMENTS

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

SECTION 1. The specifications for furnishing annual tire recapping and service requirements , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1993 , at 11:10 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-287

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PROJECT TITLED "60" PARALLEL OUTFALL LINE, SECONDARY TREATMENT PLANT TO STA 122+62 ENVIRONMENTAL REVIEW CERTIFICATION".

WHEREAS, the City Council certifies that it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the project titled "60" Parallel Outfall Line, Secondary Treatment Plant To STA 122+62 Environmental Review Certification",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project titled "60" Parallel Outfall Line, Secondary Treatment Plant to STA 122+62 Environmental Review Certification".

05/06/93--CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-288

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND V.H. McREYNOLDS, et al, FOR AN EASEMENT NEEDED TO SERVE A NEW WELL AND FUTURE WATER TANK SITE NORTH OF SYLVAN ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and V.H. McReynolds, et al, for an easement needed to serve a new well and future water tank site north of Sylvan Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-289

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HAROLD D. SNOW, TRUSTEE OF THE HAROLD D. SNOW REVOCABLE TRUST, FOR AN EASEMENT NEEDED TO SERVE A NEW WELL AND FUTURE WATER TANK SITE NORTH OF SYLVAN ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Harold D. Snow, Trustee of the Harold D. Snow Revocable Trust, for an easement needed to serve a new well and future water tank site north of Sylvan Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th **day of** May , 19 93 , **by Councilmember** Friedman , **who moved its adoption, which motion being duly seconded by Councilmember** Bird , **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-290

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SNOW PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP, FOR AN EASEMENT NEEDED TO SERVE A NEW WELL AND FUTURE WATER TANK SITE NORTH OF SYLVAN ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Snow Properties, a California Limited Partnership, for an easement needed to serve a new well and future water tank site north of Sylvan Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION 93-291

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FAA GRANT FUNDS.

WHEREAS, the City was awarded $33,130.30 of additional grant funding for project number 3-06-0153-06 which was awarded with grant number 08-87-C-30270 (08).

WHEREAS, this grant was for the following projects: Terminal Apron Expansion, Runway 10L Blast Pad, and Taxiways C and E.

WHEREAS, these projects are now complete.

WHEREAS, this additional revenue will now go to the Airport Contingency Reserve.

THEREFORE, the following adjustment is necessary:

Special Aviation Fund (632)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
631/632-800-8000-8003	Contingency Rserve	$33,130.
Revenues		
632-510-9510-3613	FAA Capital Grant	$33,130.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-292

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF MARIDALE SMITH FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MAY 11, 1993

WHEREAS, Maridale Smith was appointed to the International Friendship Committee on February 23, 1988; and

WHEREAS, Maridale Smith has tendered her resignation from the International Friendship Committee, effective May 11, 1993; and

WHEREAS, Maridale Smith has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, BE IT FURTHER RESOLVED that the resignation of Maridale Smith from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Maridale Smith for her outstanding service to the Community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-293

A RESOLUTION GRANTING THE APPEAL OF DELAMARE-FULTZ ENGINEERING ON BEHALF OF EVERETT STEDMAN TO THE DECISION OF THE PLANNING COMMISSION DENYING A PLOT PLAN FOR TWO SINGLE-FAMILY DWELLING UNITS ON TWO FLAG LOTS IN THE R-1 ZONE LOCATED AT THE NORTHWEST CORNER OF VILLAGE ROAD.

WHEREAS, Everett Stedman has applied for approval of a plot plan for two proposed flag lots in the R-1 Zone, property located at the northwest corner of Village Road, and

WHEREAS, the plot plan and elevation plans for the project were reviewed by the Planning Commission at its meeting on April 19, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in accordance with Section 10-2.603 of the Modesto Municipal Code, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 93-17, found and determined that approval of the plot plan is not required by public necessity, convenience and general welfare for the following reason:

1. The proposed plot plan for two flag lots is not compatible with the existing neighborhood due to the proposed location and/or configuration of the dwelling unit on Parcel "A".

and

WHEREAS, the applicant subsequently submitted a revised plot plan for the two proposed flag lots, and

WHEREAS, an appeal to the decision of the Planning

Commission denying said plot plan for two proposed flag lots in the R-1 Zone was filed with the City Clerk by Delamare-Fultz Engineering on behalf of Everett Stedman by letter dated April 30, 1993, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on May 18, 1993, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Delamare-Fultz Engineering on behalf of Everett Stedman to the decision of the Planning Commission denying said plot plan for two proposed flag lots in the R-1 Zone at the northwest corner of Village Road, should be granted, and the decision of the Planning Commission should be overruled,

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

1. Creation of the lots will enable the use of the parcel to its maximum allowed density.

2. The parcel is of a size and shape that does not allow the creation of standard shaped lots.

BE IT FURTHER RESOLVED by the Council that the appeal of Delamare-Fultz Engineering filed on behalf of Everett Stedman to the decision of the Planning Commission denying said plot plan for two proposed flag lots in the R-1 Zone, is hereby granted for

the reasons set forth above, and the decision of the Planning Commission denying said plot plan for two proposed flag lots in the R-1 Zone, is hereby overruled.

BE IT FURTHER RESOLVED that the approval of the revised plot plan for the two proposed flag lots in the R-1 Zone is hereby granted, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Revised Plot Plan for Vesting Tentative Parcel Map" as amended in red, stamped approved by the City Council on May 18, 1993.

2. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

3. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

4. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

6. Trash cans shall be screened from view from any public street.

7. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.

8. Prior to issuance of a building permit, the applicant shall apply to the Parks and Recreation Department for a street tree removal request to facilitate driveway access.

9. All signs shall comply with the sign requirements of the R-1 Zone.

10. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.

11. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-294

A RESOLUTION GRANTING THE APPEAL OF DELAMARE-FULTZ ENGINEERING ON BEHALF OF EVERETT STEDMAN TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF VILLAGE DRIVE.

WHEREAS, the vesting tentative parcel map of property at the northwest corner of Village Drive was filed in the office of the Secretary of the Planning Commission on March 11, 1993, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

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

WHEREAS, a public hearing was held by the Planning Commission on April 19, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 93-18, found and determined that the vesting tentative parcel map of property at the northwest corner of Village Drive accepted for filing in the office of the Secretary

of the Planning commission on March 11, 1993, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative parcel map of property at the northwest corner of Village Drive was filed with the City Clerk by Delamare-Fultz Engineering on behalf of Everett Stedman by letter dated April 30, 1993, and

WHEREAS, said matter was set for a public hearing on May 18, 1993, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Delamare-Fultz Engineering on behalf of Everett Stedman to the decision of the Planning Commission denying approval of the vesting tentative parcel map of property at the northwest corner of Village Drive should be granted for the following reason and the decision of the Planning Commission should be overruled:

> Approval of the revised Vesting Tentative Parcel Map of property at the northwest corner of Village Drive to create two flag lots addresses neighborhood concern for compatibility of lot development and dwelling design and enables use of an existing parcel to permitted density in accordance with the Council approved plot plan for the lots.

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

1. That the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste as a result of the proposed parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That the construction of street improvements along the Village Road frontage of the property is necessary within two years of parcel map recordation, for the following reasons:

   a. The public health and safety.

   b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

4. That Lots "A" and "B" have a minimum lot width less than 40 feet at the front property line, and less than 50 feet at the front yard setback line and conforms to the following findings:

   a. Creation of the lots will enable use of an existing parcel to permitted density.

   b. The existing parcel is of a size and shape that does not allow the creation of standard shaped lots.

   c. A plot plan for development of the lot has been approved by the City Council.

BE IT FURTHER RESOLVED by the Council that the appeal of Delamare-Fultz Engineering on behalf of Everett Stedman to the

decision of the Planning Commission denying approval of the vesting tentative parcel map of property located at the northwest corner of Village Drive is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative parcel map of property located at the northwest corner of Village Drive which was accepted for filing in the office of the Secretary of the Planning Commission on March 11, 1993, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.

2. That the street frontages of Parcel A and B shall be improved to residential street standards including but not limited to replacing the existing curb to provide a 15-foot flowline radius, relocating catch basin to new gutter pans, installing drive approaches and sidewalks in accordance with the City of Modesto Standards.

3. That a certificate giving notice that street improvements required along the Village Road frontage of the property shall be placed on the parcel map.

4. That public utility easements shall be dedicated as required by utility companies prior to the parcel map recordation.

5. That street improvements shall be completed as required by the Municipal Code in conjunction with property development or by not later than March 15, 1994, whichever time occurs first.

6. That prior to the recording of the parcel map the developer shall secure approval by the Director of Parks and Recreation for the proposed removal of a

City tree.

7. That the property owner shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a parcel map, which actions are brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the property owner of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

8. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.

9. That the subdivider shall execute a Reciprocal Easement Agreement which shall provide for vehicular and pedestrian access and vehicular parking for Parcel B. Said agreement shall be in a form to be approved by the City Attorney and shall be recorded prior to or concurrently with the parcel map.

10. That a certificate giving notice that street improvements are required along the Village Road frontage of the property shall be placed on the parcel map.

11. That public utility easements shall be dedicated as required by utility companies prior to parcel map recordation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

05/25/93--CA

MODESTO CITY COUNCIL
RESOLUTION NO. 93-295

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF STREET NAME SIGN ASSEMBLIES

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

SECTION 1. The specifications for the purchase of street name sign assemblies , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 8, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May 1993 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-296

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PURCHASE OF ANNUAL READY-MIX CONCRETE REQUIREMENTS FOR UP TO THREE YEARS

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

SECTION 1. The specifications for purchase of annual ready-mix concrete requirements for up to three years , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May 1993 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-297

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF ANNUAL ROCK, SAND AND GRAVEL REQUIREMENTS FOR UP TO THREE YEARS

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

SECTION 1. The specifications for the purchase of annual rock, sand and gravel requirements for up to three years , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1993, at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May 19 93, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-298

Print

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. FOR INSTALLATION OF GENERATOR AT WELL NO. 44

WHEREAS, Resolution No. 93-187 , adopted by the Council of the City of Modesto on April 6 , 1993 , approved the plans and specifications for the installation of generator at Well No. 44

and authorized the calling for bids; and

WHEREAS, the bids received for the installation of generator at Well No. 44 were opened at 11:00 a.m. on April 29, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Conco West, Inc. in the amount of $47,900

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco West, Inc. in the amount of $47,900 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May , 1993 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

11

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-299

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF THE PROPOSED 1993-94 OPERATING BUDGET AND THE PROPOSED 1993-94 THROUGH 1996-97 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 8, 1993 **, at** 4:00 **P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of** the proposed 1993-94 Operating Budget and the proposed 1993-94 through 1996-97 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th **day of** May **, 19** 93 **, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-300

A RESOLUTION GRANTING APPROVAL TO THE CHAMBER OF COMMERCE RELATING TO GRAFFITI USA TO BE HELD ON JUNE 12 AND 13, 1993.

WHEREAS, the Chamber of Commerce has requested City assistance and has submitted specific requests to City staff related to Graffiti USA to be held on Saturday and Sunday, June 12, and June 13, 1993, respectively, and

WHEREAS, City staff and representatives from the Chamber have met on various occasions, and as a result the Chamber of Commerce prepared a report dated April 28, 1993, setting forth the requests from the Chamber and City staff recommendations to the Modesto City Council, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, with reference to Paragraph 34 of the Chamber of Commerce's report dated April 28, 1993, regarding insurance coverage to be furnished by the Chamber of Commerce for Graffiti USA, the Risk Manager for the City of Modesto has prepared Standard Insurance Requirements setting forth additional coverages which shall be furnished by the Chamber of Commerce for this event, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, on May 18, 1993, the Council considered the report from the Chamber of Commerce, subject to the additional insurance requirements as set forth by the City's Risk Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto that it does hereby approve the request of the Chamber of Commerce for City assistance with respect to Graffiti USA and the report from the Chamber of Commerce dated April 28, 1993, a copy of which is attached hereto and incorporated herein by reference, setting forth the requests from the Chamber and City staff recommendations, subject to certain conditions being met by the Chamber as set forth in the Chamber's April 28, 1993, report and the Standard Insurance Requirements by the City's Risk Manager, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Chamber of Commerce shall be required to sign an acceptance of the conditions which are set forth in the Chamber's report dated April 28, 1993, and in the Standard Insurance Requirements as set forth by the City's Risk Manager.

BE IT FURTHER RESOLVED that since the California Highway Patrol has asked for specific authorization for compensation of any and all services provided for Graffiti USA by the California Highway Patrol, such compensation is hereby aut horized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

ACCEPTANCE

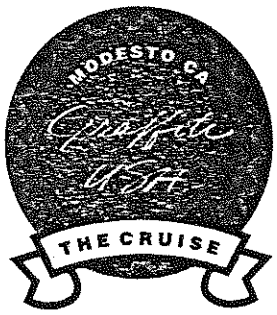
THE CHAMBER OF COMMERCE does hereby accept all of the terms and conditions set forth in Resolution No. 93-300 and its attachment(s) pertaining to GRAFFITI USA to be held on June 12 and 13, 1993.

Dated: May 18, 1993

CHAMBER OF COMMERCE

BY _____

BY _____



GRAFFITI USA
1993

PROPOSAL
TO THE
CITY OF MODESTO

SUBMITTED BY

THE MODESTO CHAMBER OF COMMERCE
APRIL 28, 1993

1501 K Street / Modesto, CA 95354 / (209) 576-2222 / Fax (209) 576-2226

April 28, 1993

Mr. Jim Niskanen
Assistant Director Parks & Recreation
City Of Modesto

Dear Jim,

The Modesto Chamber Of Commerce is pleased to be able to produce Graffiti USA again in 1993. This is a very important year for all of us, as we strive and plan to produce a Community Celebration that will be positive and fun, as well as well organized, safe and secure for our community. We are enthusiastic about the positive relationship that is developing between the City of Modesto and The Modesto Chamber Of Commerce. Graffiti USA is an opportunity for the community to work together to celebrate the positive "American Graffiti" traditions, while mitigating the circumstances that have surrounded Graffiti Weekend in the past.

The Chamber requests that the City Of Modesto approve our Event Plan for 1993 and direct City Staff to continue working with the Chamber to implement such plans, according to City Encroachment Permit guidelines.

1. The Modesto Chamber of Commerce will conduct Graffiti USA in the 16-block area of downtown, bordered by 9th Street, H Street, 14th Street and L Street.

2. The Classic Car Cruise will not be conducted on Mc Henry Avenue this year, but will be relocated to the downtown area, with the majority of the route within the festival perimeter and some of the route outside of the perimeter. A map is attached of our proposed cruise route, which fulfills the council desire to provide a safe and enjoyable cruise for the classic car owners

and a safe and secure environment for those that wish to watch the Classic Car Cruise and enjoy Graffiti USA.

3. We will promote Graffiti USA as a celebration of the life-styles and values made famous by the movie "American Graffiti". A chance to relive the 50's and early 60's . . . a step back in time. We will invite our community to join us in "continuing the tradition" in the safe and secure environment of Graffiti USA.

   We will advertise Graffiti USA in the San Joaquin Valley, with special emphasis in Stanislaus, San Joaquin and Merced counties. We intend to purchase 14 radio stations, Post Newsweek Cable and The Modesto Bee to advertise Graffiti USA. A full color Graffiti USA poster, featuring an orange roadster and the invitation to "Re Live It" at Graffiti USA on June 12th and 13th will hit the streets soon. Modesto Bee advertising will begin on April 30, 1993, with a 1/2 page ad encouraging participation in Graffiti USA. A draft copy of our first Modesto Bee ad is attached. Electronic media advertising will begin in mid May. We created a $150,000 promotion last year through Pacific Media Group Advertising Agency and will exceed that level this year. A breakdown of the specific advertising and promotion programs developed with the electronic media will be provided to City Staff for review prior to our first insertion order on May 15, 1993.

   Our promotion will feature Wolfman Jack, Paul Revere and the Raiders and The Coasters. You'll hear a promotion that encourages all to join in the good time rock and roll of "American Graffiti", as well as top country, rock and pop entertainment.

   The "Hook" to the promotion will be to "Re Live The Tradition", by joining in the fun, food, music and cars of the 50's and 60's in the safe and secure environment of Graffiti USA.

   We will inform all of the major media in Northern California that the cruising ordinance will be enforced on Graffiti Weekend, and that Graffiti USA is downtown.

4. The Modesto Chamber of Commerce has been active in discussing the changes and reasons behind the enforcement of the cruising ordinance to merchants along McHenry Avenue. We've stressed the need to move in a more positive direction and the need to free the surrounding neighborhoods from the violence that has become somewhat common in the late hours. We've found that most merchants understand the City's reasoning and the need to control costs. The Modesto Chamber Of Commerce has planned its April Mixer at American Chevrolet Geo on McHenry Avenue, with a focus on the new Graffiti USA Plan and the opportunities available through the event.

5. Graffiti USA met with leaders of the Downtown Merchants Association and the Downtown Improvement District to review our plan, so as to minimize the impact on downtown property owners. An endorsement resolution from the above organizations will be forthcoming. Graffiti USA will be sending a map and mailer to all downtown property owners and residents upon approval of our plan, and will provide all event information to the Modesto Bee, other local newspapers and the electronic media.

6. The Chamber has met with local high school students and the Modesto City Youth Commission, and their coordinator from the Modesto City Recreation Department, Wendy Byrd, to gather input on their desires for Graffiti USA. We have reserved the Modesto Centre Plaza for a teen dance on Saturday night that will provide a safe and secure environment. We are also in the process of booking regional rock and country bands to play during the day outside, as well as creating sporting activities, like a "MOTOWNERS CAN JUMP" (Two On Two) Basket Ball Tournament. Discussion have begun with the City of Modesto Recreation department to coordinate and help fund this effort.

   We've also invited each high school in Stanislaus County to enter five free cars in the Graffiti USA Cruise/Parade. Cars are suggested to be of "special interest", due to custom paint, wheels, chassis or design. The schools will select their own

entries. All entries will receive a free Graffiti USA T-Shirt and Dash Plaque.

7. The Chamber will fence and have controlled access into the 16 block area. General Admission will be $3.00 during the day and no higher than $7.50 at night. (Fifties prices!) One Dollar Discount Coupons will be available through all Graffiti USA Sponsors and participating radio and cable sponsors. Two thousand free tickets will be given away through radio promotions.

8. B 3 Management, Inc., our Graffiti USA Management Company, has been meeting with Capt. Guthrie, Sgt. Bill Lyons and Lt. Sale to work out the Cruise Route and Festival Security Plan. Based on the acceptance of our proposed cruise route, we will contract with Staff Pro Security to finalize security plans with the Modesto Police Department by the end of April. Staff Pro worked with the Modesto Police Department last year and handled the festival interior without incident or arrest. Staff Pro will extend it's security to that portion of the cruise route outside of the festival perimeter this year, working with Chamber volunteers and the Police Department to insure a safe and secure event.

   Some changes that will be included in our security plan this year include the use of metal detectors at all gates, as well as some simple pat searches upon entrance. If you're wearing a coat . . . and it's 85 degrees outside . . . we're going to ask to see inside of your coat. If you're wearing boots, we might want to take a look. If you're wearing colors, or under the influence of alcohol or drugs, you will not be admitted to the festival area. We intend to be polite and refuse entrance to those people that do not conform to the controlled access rules. We will be in radio and telephone contact with the Modesto Police Department at all times.

9. The Chamber will provide portable toilets, trash control, refreshment and merchandising booths inside the facility, as well as outside of the facility on and around the parade route.

We request that vendor permits to sell in this portion of the parade route by non Graffiti USA licensed vendors not be allowed.

10. Graffiti USA has been working with City Traffic and Police Staff to develop a traffic plan that will provide safe and secure access to the Graffiti USA Festival Area, as well as satisfying Cal Trans and City traffic concerns. Graffiti USA will provide the directional signs that are necessary to direct and re-route traffic in and around the downtown area and will work with City Staff to secure a Cal Trans agreement that is fair and reasonable. A detailed map will be provided by May 21, 1993

    Parking will be in public and private parking lots and surface parking surrounding the festival area. Private Secured parking will be encouraged to surrounding property owners. It was agreed that "shuttle parking" is probably not necessary yet, but that it should be considered if the event continues to grow. A map will be submitted to City Staff detailing parking availability in city parking lots, surface streets and private lots.

    The Chamber requests that the City secure a permit from the California Department of Transportation authorizing partial closure of K, L and 9th Streets on June 11, 12 and 13, 1993. K and L streets are a part of the festival area from 14th to 9th Street, and parts of K, L and 9th Street are needed for the Classic Car Cruise from 3:00 PM to 7:00 PM. A map of the festival area and proposed Classic Car Parade route is included.

11. Graffiti USA agreed to remove it's cruise from Mc Henry Avenue, so that the promotion focus can be turned away from Mc Henry Avenue. It is hoped that this change will allow the police to control and eventually eliminate cruising and loitering on Mc Henry Avenue, saving the city thousands of dollars over the next few years. With Graffiti USA providing the internal security needed for our event, in a controlled atmosphere, the power of the police will never be needed on a level necessitated by the unplanned Mc Henry Avenue activities. We request a presence in and around the festival area by the Modesto Police

Department, similar to last year, to insure the continued safety of our event. We request that the police department continue to control traffic on the adjacent streets, but are willing to work with police as volunteers to help control traffic and cross-walks. We will continue to meet with Capt. Guthrie to work out a plan that will help reduce the police departments work load. We request that the city continue to provide the public works/traffic services such as barricades, cones and signs where available. The Chamber will strive to reduce city management and staff time in planning and operations for Graffiti USA, by instituting a plan this year that can remain fairly constant for the foreseeable future.

12. The Chamber has invited the city to provide a representative to sit on the Graffiti USA Financial Review Committee and will have access to Graffiti USA financial records 45 days after the event.

13. The Chamber will be responsible for working out an adequate detour plan in cooperation with City Traffic Department and Cal Trans. The Chamber requests that the City provide qualified traffic staff personnel to work out such a plan with the Chamber and Cal Trans and file for the encroachment permits needed. The Chamber shall be responsible for seeing that the necessary signs are installed in accordance with the approved plan. The Chamber will secure a City of Modesto encroachment permit for all activities in the public right of way.

14. The Chamber will be allowed to conduct the parade from 4:00 PM to 7:00 PM on Saturday, June 12, 1993, on a route approved by the City of Modesto and Cal Trans.

15. The Chamber will provide sufficient volunteers to place and maintain street barricades on the cruise/parade route. These workers will remain on site during the entire time of the street closure.

16. The Chamber requests that the City close I Street between 11th and 12th Streets to all vehicular traffic, excepting emergency and Post Office vehicles, beginning at 6:00 am on Friday, June 11, 1993.

17. The Chamber requests that the City close K Street, between 9th and 10th Streets to all vehicular traffic, excepting emergency vehicles beginning at 6:00 am on Friday, June 11, 1993.

18. The Chamber requests that the City will close 10th Street, between K and J Streets to all vehicular traffic, excepting emergency vehicles beginning at 6:00 am on Friday, June 11, 1993.

19. The Chamber requests that the City close and barricade the entire Graffiti USA Festival perimeter beginning at 6:30 PM on Friday, June 11, 1993, through 6:00 am, Monday, June 14, 1993. All tents and street obstructions will be removed by 4:00 am to allow for street sweeping.

20. The Chamber will provide its own 24-hour security in the downtown area during the setup period and for the duration of the event.

21. The Chamber will provide and install signs directing all vehicular and pedestrian traffic at locations where streets and sidewalks are closed to traffic.

22. The Chamber will be responsible for all cleanup of all parking lots, streets and alleys during and after the event. The city will provide normal street sweeping on Monday, June 14, at 4:40 am. Should the city be required to provide cleanup services for the event, 100% of those expenses shall be charged to the Chamber.

23. Vehicular traffic on city parking lots will be restricted to passenger vehicles and pickup trucks, except where expressly approved in writing.

24. The Chamber requests to have the Carnival in the Modesto Centre Plaza Parking Lot on Thursday through Sunday, as well as on 11th Street, between J and K Streets, on Friday, Saturday and Sunday. St. Stanislaus School, on behalf of Graffiti USA and The Midway of Fun Carnival will secure a special City of Modesto Carnival Permit and shall be responsible for any repairs necessary to the carnival site or city streets. No stakes will be put into city streets and Rich Singer, Manager of the Modesto Centre Plaza, is providing direction for the carnival on site. Twelve foot emergency lanes will be provided on all city streets used for the carnival.

    The Chamber requests to use the City Hall parking lots for participant parking within the Graffiti USA perimeter without fee. The Chamber also requests that the City parking lot on the corner of 10th and K Street be used for the Graffiti USA Headliner Stage again, and that the City parking lot on 12th & I Streets be used for portable Grandstands.

25. A minimum 12 foot access will be maintained at all times on city streets, alleys and around fire hydrants. All perimeter fencing will be installed in panels that will allow for immediate removal.

26. All tents will be inspected by the Fire Marshall or his designee and appropriate permits will be issued.

27. The City will waive all City inspection and permit fees.

28. The Chamber will be responsible for any other fees as may be required by other agencies, except when the city is exempt from such fees.

29. The Chamber will execute a rental license agreement to use the Modesto Centre Plaza and shall conform to all policies and procedures established by the Modesto Centre Plaza, within two weeks of approval. The Chamber requests that we be allowed to provide our own security within the Modesto Centre Plaza, at no cost to the city.

30. The Chamber shall adhere to all Alcoholic Beverage Control Board requirements. Since the entire area is fenced this year, we request that the City support that the entire festival area be considered a "controlled access area" for the purpose of serving beer and wine during the day. ID Check procedures will be instituted at all entrances and ID bracelets will be provided to those showing positive picture ID only. No alcohol will be allowed into or out of the facility. No alcohol will be allowed in the carnival or children's areas. The sale of beer and wine will be limited to the smaller "controlled access area" surrounding the Modesto Centre Plaza at night. No alcohol will be served in the Modesto Centre Plaza during the teen dance held on Saturday night. A specific controlled access and security plan will be submitted to the Modesto Police Department for review, prior to submitting application to the Department of Alcoholic Beverage Control.

31. All food booths and carts will be inspected by the Fire Department and the County Health Department. Inspections will be done prior to June 10, 1993 whenever possible. Should a booth or cart not meet inspection requirements upon arrival after June 10, it shall not be admitted to the festival area.

32. No liquefied petroleum gas (LPG) will be used in enclosed areas. A minimum of one 2A 10BC fire extinguisher will be provided for each cooking area.

33. The Chamber will indemnify, defend and hold harmless the City of Modesto and the Redevelopment Agency, its officer, agents, etc, as required by the City of Modesto Risk Manager.

34. The Chamber will furnish the Risk Manager of the City of Modesto with current and valid certificates of insurance evidencing general liability in the amount of $1,000,000 primary and $4,000,000 umbrella with the City of Modesto and the Redevelopment Agency as "additional insureds". A separate liquor license liability endorsement shall be provided, as well as workmen's compensation insurance coverage. All such policies

will conform to City of Modesto Risk Management guidelines and requirements.

35. The Chamber will receive approval of the Graffiti USA 1993 plan from the County of Stanislaus.

36. The Chamber will file written acceptance of the resolution approved by the Modesto City Council, with the City Clerk, and no right shall be conferred until said acceptance is filed.

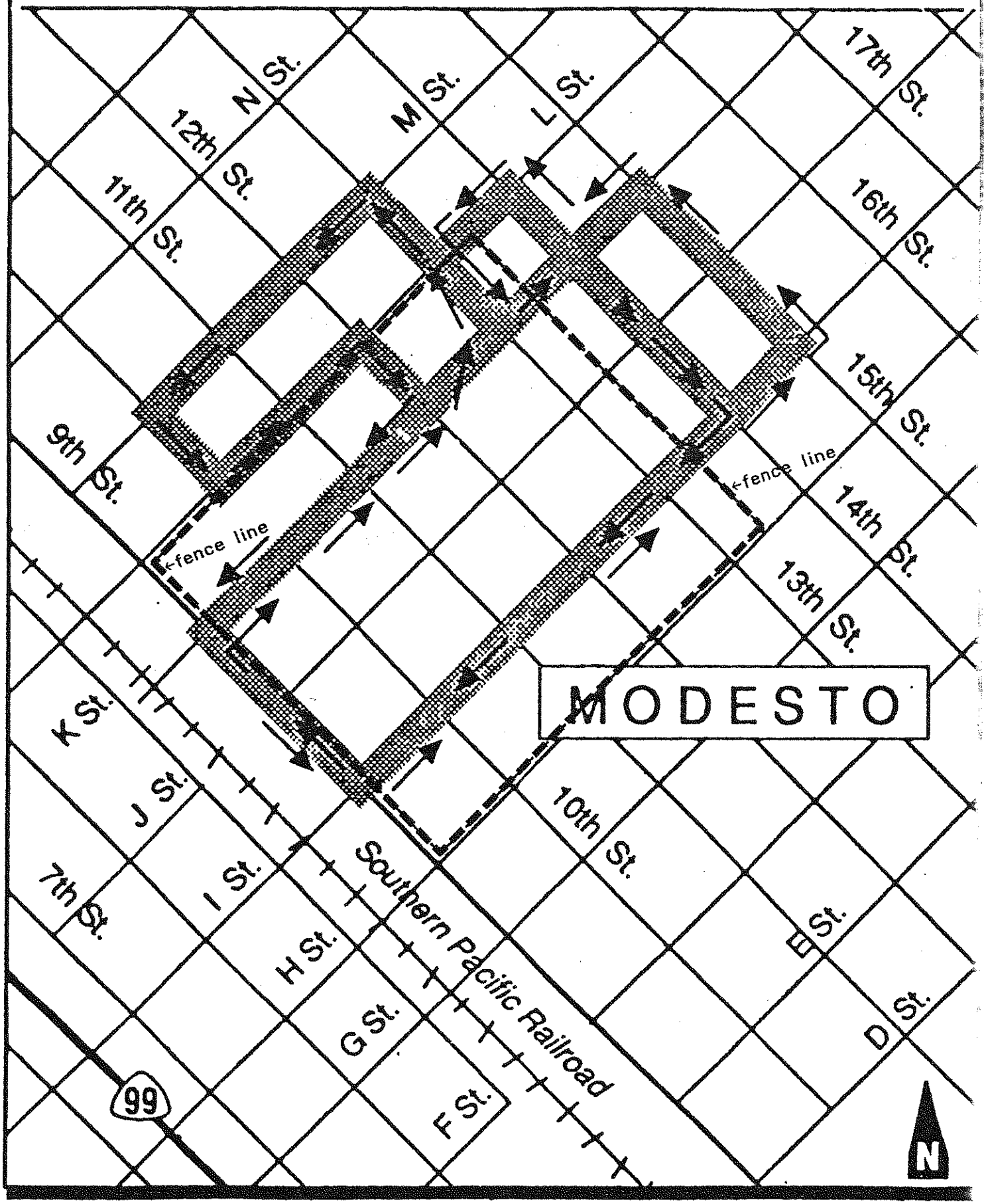
Should the Chamber choose to continue producing Graffiti USA in future years, the Chamber agrees to provide a reasonable source of income from the profits of Graffiti USA to help reimburse the city for expenses related to Graffiti USA.

The Modesto Chamber Of Commerce is dedicated to working with the City of Modesto to produce a successful Graffiti USA that the entire community will take pride in. We look forward to working with City Staff to work out the details and plans that will insure a safe and successful event.

Respectfully Submitted,

Gary Conover, Chairman
Graffiti USA 1993

Graffiti USA Parade Route 1993



The Bee

downtown improvement district

post office box 1428 • 1115 I street, room 17 • modesto, california 95353 • (209) 525-

May 3, 1993

Mr. Don Bean
B 3 Management, Inc.
1501 K Street
Modesto, Ca. 95354

Dear Don:

This letter will confirm the action of the Board of Directors of the Downtown Improvement District whereby it unanimously endorsed the Graffiti USA event as outlined by you and Gary Conover during your presentation at the Downtown Improvement District Board Meeting on April 21, 1993.

If I can be of any assistance to you please feel free to contact me.

Very truly yours,

Nancy

Nancy Young
Executive Director

nmy

Relive it!

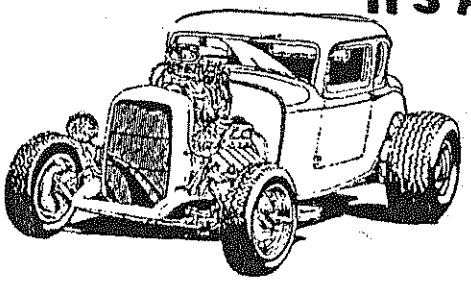
Graffiti USA '93

JUNE 12th & 13th

DOWNTOWN MODESTO, CALIFORNIA

"JOIN THE FOOT CRUISE"

IT'S A STEP BACK IN TIME AS THE TRADITION CONTINUES



CLASSSIC CAR SHOW & CLASSIC CAR PARADE

Pre-1970 & Special Interest Cars/Limited Registration Available

Tenth Street...The Original 50's Cruise Strip...Saturday 4:00PM to 7:00PM

40 Block Parade Route...Free Grandstand Seating

$3.00 General Admission/$1.00 Discount Coupons Available Through Sponsors

Children under 12 admitted free.

Saturday 10:00 AM - 6:00PM Sunday 10:00AM - 4:00PM

JOIN WOLFMAN JACK WITH

• PAUL REVERE & THE RAIDERS • THE COASTERS • SHA BOOM •

• DADDY-O • THE CHARMS • THE ACES •

II ANNUAL GRAFFITI USA KARAOKE CONTEST

Saturday Night Teen Dance * Country Stage * Rock Stage

* Jest In Time * Grinn & Barrett Children's Entertainment * Petting Zoo

"MO-TOWNER'S CAN'T JUMP"

3 on 3 Basketball Tournament **$500.00 First Prize**

SATURDAY NIGHT STREET SCENE 8:30 PM TO MIDNIGHT $7.50 ADMISSION/3 STAGES

Paul Revere & The Raiders * Country Stage * Teen Stage * Carnival

BE A PART OF IT!

$ Make money now for your local organization by selling Official Graffiti USA T-Shirts.

$ Join 100's of friends of local non-profit groups that earn money by providing workers for Graffiti USA.

Applications for all events and opportunities are available at the Modesto Chamber Of Commerce.

Monday - Friday 8:00AM to 5:00PM / For Further Information Call (209) 576-2222.

Presented By

SAVE MART SUPERMARKETS

In Association with

MODESTO Chamber OF COMMERCE

Under the Direction of

B3 Management, Inc.

In Cooperation with the City of Modesto

Section C-4 Business Modesto Bee May 9, 1993

Standard Insurance Requirements

The CHAMBER shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the City Clerk of the CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the CITY by registered mail, return receipt requested, for all of the following stated insurance policies.

A. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $500,000.

B. General Liability insurance with a minimum limit of liability per occurrence of $5,000,000 for bodily injury and $1,000,000 for property damage or $5,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; and, products and completed operations.

C. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the CHAMBER shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the CHAMBER to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the CITY, may be forthwith declared suspended, or terminated. Failure of the CHAMBER to obtain and/or maintain any required insurance shall not relieve the CHAMBER from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CHAMBER concerning indemnification. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by CHAMBER for the CITY. The CHAMBER's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager.

Standard Hold Harmless Agreement

The CHAMBER shall hold the CITY, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damage from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly

out of any act or omission of CHAMBER, whether or not the act or omission arises from the sol negligence or other liability of CITY, or its agents, officers, employees, or volunteers relating to o during the performance of its obligations under this Agreement.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-301

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $48,000 TO CREATE A NEW CIP PROJECT ENTITLED "WIDEN CLAUS ROAD - GOMES ROAD TO MID LATERAL NO. 2, DESIGN"

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

FROM:	Claus Road Bridge Widening (141 430 C662 6010)	$48,000
TO:	Widen Claus Road - Gomes to MID Lat. 2) (141 430 C221 6010 and 141 430 C221 6030)	$48,000

The Transportation Policy Committee has directed staff to accelerate the schedule on the project to widen Claus Road between Gomes Road and MID Lateral 2 so that it will be completed at nearly the same time as the bridge widening. By transferring these funds now, design can proceed two months earlier. Funds are available due to favorable bids received on the Bridge Widening project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th **day of** May , 1993 , **by Councilmember** Dobbs , **who moved its adoption, which motion being duly seconded by Councilmember** Friedman , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-302

A RESOLUTION ACCEPTING THE RESIGNATION OF BEN W. GROESBECK FROM THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

WHEREAS, Ben Groesbeck was appointed a member of the Citizens Redevelopment Advisory Commission on August 25, 1992; and

WHEREAS, Ben Groesbeck has tendered his resignation from the Citizens Redevelopment Advisory Commission, effective May 18, 1993.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ben W. Groesbeck from the Citizens Redevelopment Advisory Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Ben W. Groesbeck for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

RESCINDED
Print
1994-345
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-303

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL RESOLUTION NO. 92-365.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

Hangar No. A	$ 91.00 per unit per month
End Units	$107.00 per unit per month
Hangar No. B	$112.00 per unit per month
End Units	$136.00 per unit per month
Hangar No. C	$117.00 per unit per month
End Units	$141.00 per unit per month
Hangar No. D	$105.00 per unit per month
End Units	$123.00 per unit per month
Hangar No. E	$154.00 per unit per month
End Units	$180.00 per unit per month

Hangar No. F . . . . . $154.00 per unit per month

End Units . . . . . $180.00 per unit per month

Hangar No. G . . . . . $154.00 per unit per month

Hangar No. H . . . . . $154.00 per unit per month

Hangar No. J . . . . . $154.00 per unit per month

Portable Land Rent . . . . . $ 45.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . . $1,816.00 per month

Hangar No. 2 . . . $ 934.00 per month

Hangar No. 3 . . . $ 493.00 per month

Hangar No. 4 . . . $ 836.00 per month

Hangar No. 5 . . . $ 833.00 per month

Hangar No. 6 . . . $ 488.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) $35.00 per month.

(b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) $72.00 per month.

(c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) $.031 per square foot per month.

(d) Taxi-in Tie-Down - Transient, light single-engine aircraft (under 12,500 lbs) $4.00 per day.

(e) Taxi-in Tie-Down - Transient, light multi-engine aircraft (under 12,500 lbs) $6.00 per day.

(f) Taxi-in Tie-Down - Transient, large multi-engine aircraft (over 12,500 lbs) $10.00 per day.

(g) Taxi-in Tie-Down - Transient, large four-engine aircraft (over 12,500 lbs) $10.00 per day.

A five (5%) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

(a) Old Administration Building . . $.62 per square foot

(b) Office Building No. 1 . . . . . $.62 per square foot

(c) Office Building No. 2, Suite A . . . . . $.62 per square foot

(d) Office Building No. 2, Suite B . . . . . $.62 per square foot

(e) Hangar Office Space . . . . . $.294 per square foot per month

SECTION 4. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters, $10.00 per landing.

(b) All large single and multi-engine aircraft, $.60 per 1,000 pounds of gross weight, but not less than $10.00 per landing.

(c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 5. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said

sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 6. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 7. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 8. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 9. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable.

SECTION 10. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 11. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1993.

SECTION 12. SUPERSEDE. This resolution rescinds Council Resolution No. 92-365.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-304

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF AQUEDUCT PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation, that the construction of Aqueduct Park has been completed by Grover Landscaping, Inc. in accordance with the contract agreement dated July 14, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of Aqueduct Park be accepted from said contractor, Grover Landscaping, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $286,811.08 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-305

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE McCLURE CARETAKER'S COTTAGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation, that the construction of the McClure Caretaker's Cottage has been completed by Howell Construction, Inc. in accordance with the contract agreement dated October 6, 1992.

NOW, THEREFORE, BE IT RESOLVED that the construction of the McClure Caretaker's Cottage be accepted from said contractor, Howell Construction, Inc.; that Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $47,662.26 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-306

A RESOLUTION REQUESTING THE CALIFORNIA AIR RESOURCES BOARD TO CONSIDER REVISIONS TO AIR POLLUTION TRANSPORT MITIGATION REGULATIONS TO RESTORE AIR EMISSION PARITY BETWEEN THE BROADER SACRAMENTO AREA/SAN FRANCISCO BAY AREA AND THE SAN JOAQUIN VALLEY AREA AND SUPPORTING AB 1254 and AB 1062.

WHEREAS, at its March meeting, the California Air Resources Board approved the relaxation of air quality regulations for new and expanded industries in the Broader Sacramento Area and the San Francisco Bay Area (Broader Sacramento Area/San Francisco Bay Area), and

WHEREAS, said relaxation of air quality regulations for the Broader Sacramento Area/San Francisco Bay Area will allow emissions of 15 tons of emissions per year in these two areas, and

WHEREAS, the San Joaquin Valley area is limited to emissions of 10 tons per year, and

WHEREAS, the relaxation of regulations to the Broader Sacramento Area/San Francisco Bay Area provides economic advantages to said areas by allowing them to have 50% more unmitigated ozone precursor emissions, and

WHEREAS, the disparity in emissions allowed for the Broader Sacramento Area/San Francisco Bay Area and the San Joaquin Valley creates an economic disadvantage to the San Joaquin Valley as businesses will prefer to locate in less restrictive areas, and

WHEREAS, said disparity puts Modesto at a disadvantage in attracting capital investment and new employment to the area, and

WHEREAS, the City Council of the City of Modesto expresses its support for AB 1254 and AB 1062,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests that the California Air Resources Board consider revisions to Air Pollution Transport Mitigation Regulations to restore air emission parity between the Broader Sacramento Area/San Francisco Bay Area and the San Joaquin Valley Area.

BE IT FURTHER RESOLVED that the Council hereby supports AB 1254 and AB 1062.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the California Air Resources Board, the Clerk of the Board of Supervisors of Stanislaus County, and to each of the City Councils of the cities located in Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-307

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO RELOCATE OVERHEAD POWER LINES ON CLAUS ROAD TO ACCOMMODATE WIDENING OF THE BRIDGE OVER DRY CREEK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to relocate overhead power lines on Claus Road to accommodate widening of the bridge over Dry Creek

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th **day of** May **,** **19** 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-308

A RESOLUTION VACATING AND ABANDONING AN EASEMENT FOR PUBLIC SERVICE AND AN OFFER OF DEDICATION FOR PUBLIC EASEMENT AND ACCESS LOCATED ON PARCELS "A", "B", AND "C" AS SHOWN ON THAT CERTAIN MAP FILED IN BOOK 28 OF PARCEL MAPS, AT PAGE 105, STANISLAUS COUNTY RECORDS, PROPERTY LOCATED ON THE WEST SIDE OF RENO AVENUE, NORTH OF KANSAS AVENUE IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Elwyn V. Heinen of Advanced Design Group, a civil engineering company requesting an abandonment of a 30-foot access easement and a 10-foot public utility easement for public service and an offer of dedication for said easements and public access located on Parcel "A", Parcel "B", and Parcel "C" as shown on that certain map filed on April 6, 1979, in Book 28 of Parcel Maps, at Page 105, Stanislaus County Records, described in Exhibit "A" attached hereto, property being located on the west side of Reno Avenue, north of Kansas Avenue in the City of Modesto, on behalf of Henry W. Harrison, the owner of said Parcels, and

WHEREAS, on said Parcel Map, a statement was made as an offer of dedication for public use for the 10-foot public utility easements and the 30-foot access easement as shown on said Parcel Map. Said offer of dedication was made by Henry W. Harrison, Lillian M. Harrison and SAFECO Title Company, a California corporation, as "OWNERS" and "TRUSTEE", respectively, by signatures on said statement on said Parcel Map, and

WHEREAS, said offer of dedication was not accepted nor rejected by Stanislaus County, which was the local agency authorized to accept or reject said offer of dedication, and

WHEREAS, the Subdivision Map Act Section 66477.2(c) authorizes a City Council, by resolution, to summarily vacate an offer of dedication in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code, and

WHEREAS, a public service easement was dedicated on said Parcel "A" for the purpose of constructing, operating, maintaining, replacing, removing or renewing all public utilities, including poles, wires, conduits, storm sewers, sanitary sewers, gas, water and heat mains and all public utilities and any and all appurtenances thereto, and

WHEREAS, said public service easement was not used for said stated purpose, and

WHEREAS, California Streets and Highways Code Section 8333(a) authorizes a City Council, by resolution, to summarily vacate a public service easement where the easement has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation, and

WHEREAS, said public service easement is more particularly described as that specific "Easement for Public Utilities" recorded in the Office of the County Recorder,

Stanislaus County, on August 14, 1979 as Instrument No. 10328, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8330, of Part 3 of Division 9 of the Streets and Highways Code.

2. The offer of dedication made for public use for the 10-foot public utility easements and the 30-foot access easement as shown on that certain map filed on April 6, 1979 in Book 28 of Parcel Maps, at page 105, Stanislaus County Records, described in Exhibit "A" attached hereto, is not required for public easements or public access.

3. The "Easement for Public Utilities" recorded in the Office of the County Recorder, Stanislaus County, on August 14, 1979 as Instrument No. 10328, is not required for public utilities.

4. That from and after the date this resolution is recorded, the public service easement and offer of dedication vacated will no longer constitute a public service easement or an offer of dedication.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Easement for Public Utilities" recorded in the Office of the County Recorder, Stanislaus County, on August 14, 1979 as Instrument No. 10328, and the offer of dedication made for public use for the 10-foot public utility

easements and the 30-foot access easement as shown on that certain map filed on April 6, 1979 in Book 28 of Parcel Maps, at Page 105, Stanislaus County Records, described in Exhibit "A" attached hereto, property located on the west side of Reno Avenue, north of Kansas Avenue in the City of Modesto, be and they are hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

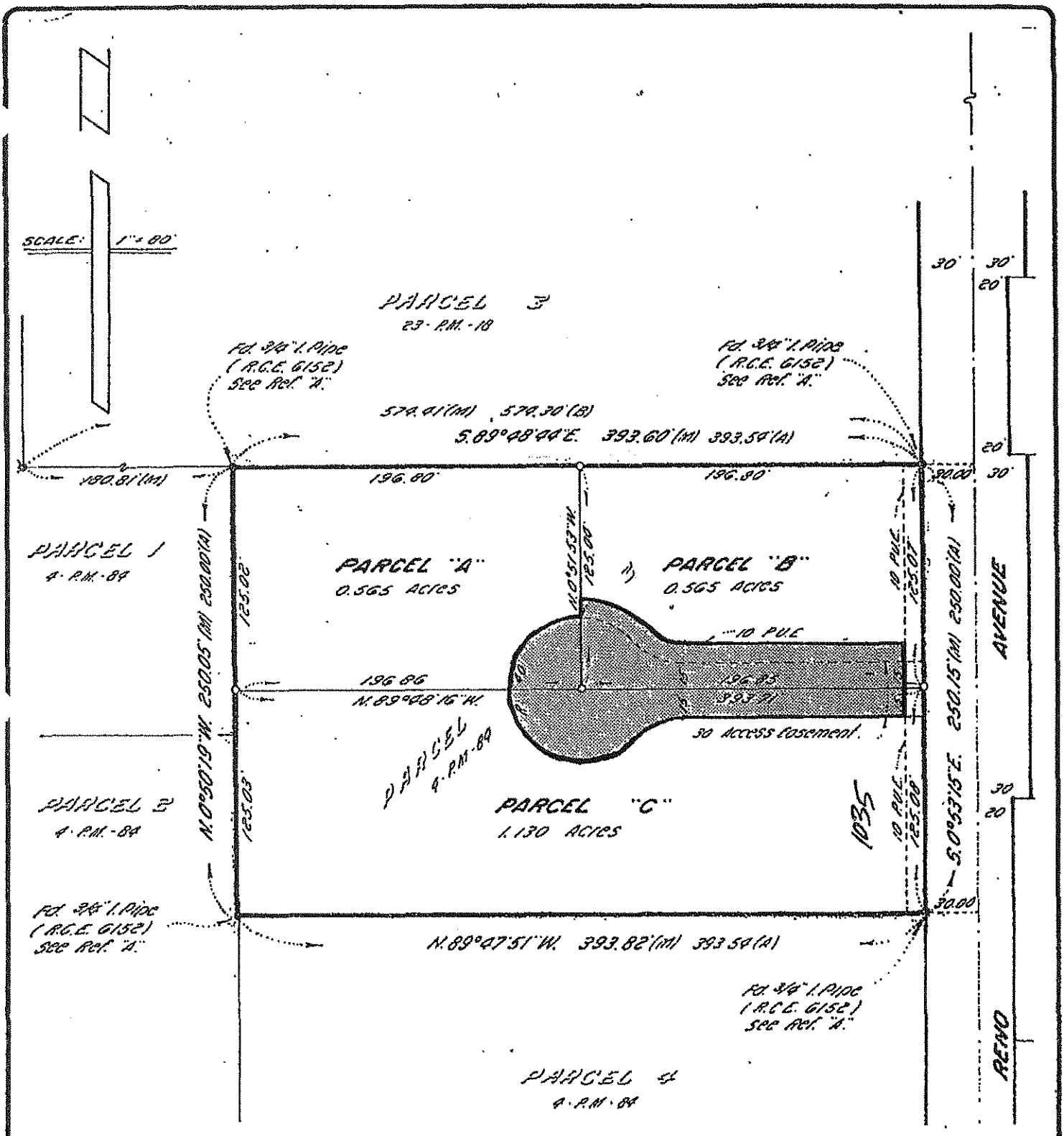
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works and Transportation
Department, Engineering

05/25/93--CA



Frank R Dillum C 20263
DATE: 05/13/93 Exp 093093

VACATE AND ABANDON ACCESS EASEMENT AND PUBLIC UTILITY EASEMENT

5/13/93 | Linda Boston

4-A-767

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 93-309

Print

A RESOLUTION ESTABLISHING FILING FEES AND RULES AND REGULATIONS RELATING TO SIDEWALK FOOD VENDORS AND RESCINDING RESOLUTION NO. 89-98.

WHEREAS, Ordinance No. 2439-C.S., which became effective on August 21, 1986, added Article 12 to Chapter 1 of Title IV of the Modesto Municipal Code relating to Sidewalk Food Vendors, and

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

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

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

WHEREAS, at its meeting of May 25, 1993, the Council considered the amendments to the Rules and Regulations for Sidewalk Food Vendors,

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

BE IT FURTHER RESOLVED that Resolution No. 89-98 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

RULES AND REGULATIONS
SIDEWALK FOOD VENDORS

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

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

1. The Filing Fee shall be $120.00.

2. The Cash Deposit shall be $100.00

3. The Public Property Use Fee shall be six percent (6%) for each calendar quarter.

B. PERMIT.

1. Permits may be issued by the License Division Supervisor as the designee of the Finance Director.

2. A Permit shall be issued only in the name of a natural person who shall be the sole proprietor of a Vending Cart Operation and who shall have absolute and exclusive control of the management of that Vending Cart Operation.

3. Permittee shall not be issued more than one (1) Permit per City block.

4. Applications (except renewal applications) for Permits may be filed at any time during the year.

5. All Permits, without exception, shall expire not later than the end of the operating day on December 31 of each year.

6. A new or renewed Permit shall not be issued to any Permittee if there are any delinquent fees or taxes due for any Vending Cart Operation of Permittee.

7. A Permit application (except a renewal application) may be canceled if the Permit is not approved within ninety (90) days after the Permit application is obtained from the Finance Department.

8. After obtaining initial location approval, applications may test up to two (2) additional locations before deciding which location they will use.

   a. This trial period shall not apply to a Permit being renewed.

b. After having a Permit approved, a Permittee may test the approved Designated Location on a trial basis for a period of up to seven (7) days immediately following the approval date. If, after said seven (7) days, the Permittee is not satisfied with that Designated Location, said Permittee may immediately apply for an alternate location at no additional charge (subject to existing location restrictions). Said Permittee may test said alternate location for up to seven (7) days from the date of approval of alternate location. If, after said test, the Permittee is not satisfied with this alternate location, the Permittee may immediately apply for a final alternate location at no additional charge (subject to existing location restrictions). This final alternate location may be used for up to seven (7) days from the date of approval of final alternate location.

c. If any trial location is used for more than seven (7) days, the testing period shall be ended and that location shall become the Designated Location.

d. At the conclusion of the trial period, the Permittee shall confirm to the designee of the Finance Director which one of the tested spots shall be the Designated Location. If the Permittee fails to confirm the location or does not apply for a new test location (not to exceed more than three (3) test locations) within ninety-six (96) hours after the conclusion of the most recent test period, the last selected location shall be considered the Designated Location and further testing or selection shall not be permitted.

e. Irrespective of length of trial period and regardless of which location is ultimately selected, the date of final location approval shall correspond to the date of the first location approved for use.

f. If, during the trial period, another person desires to secure one of the tested locations, said person may apply for the location but must wait for approval until the Permittee has concluded the trial period and a decision has been made about the location. After a decision has been made, the rejected location(s) will be available for approval.

g. If two (2) or more persons desire the same trial location during the test period, the earliest location request date among such requests shall dictate which person will have first chance at that location. If two (2) or more applications for the same location are received on the same day, a drawing shall be conducted to determine who shall have first chance at said location.

C. VENDING CART.

1. A Vending Cart shall not be wider than four (4) feet at its widest point (exclusive of waste containers) nor longer than seven (7) feet at its longest point (exclusive of waste containers). A canopy or other similar overhead cover may be used but no portion of this cover (exclusive of vertical support poles or struts) shall be lower than seven (7) feet above the sidewalk. Any and all vertical supports for this cover shall be totally confined within the horizontal dimensions (width and length) of the Vending Cart.

2. The Operator shall provide sufficient litter receptacles to hold all litter generated by that Vending Cart Operation.

3. Any power used in a Vending Cart shall be contained wholly within the Cart. No cords, hoses, pipes, bottles, canisters, or other conductors or containers of power or fuel shall extend from any source external to or detached from the Vending Cart while the Vending Cart is in operation upon a City sidewalk.

D. LOCATION AND SAFETY.

1. Designated Locations are prohibited in any zone or planned development having residential uses.

2. A Vending Cart Operation shall not be conducted in such a manner as to obstruct the free passage of any street, alley, or sidewalk nor shall it at any time obstruct the free passage into or from any business or office or other establishment.

3. Each Operator shall maintain a clear, unobstructed passage of at least five (5) feet at all times on the sidewalk in front of and to each side of the Vending Cart.

4. Public safety shall be the principal factor considered when determining allowable Designated Locations. Therefore, a Designated Location shall not be:

   a. In front of a doorway or entry opening of a building nor within ten (10) feet of a perpendicular line drawn from the curb to a doorway or entry opening of a building;

   b. Within ten (10) feet of any white, green, red, yellow, or blue painted curb (okay at a "No Parking Sign");

   c. Within twenty (20) feet of any driveway approach commonly used;

   d. Within twenty (20) feet of any marked crosswalk;

e. Within twenty-five (25) feet of the intersection of the outer property lines of a property on a street corner (inside edge of sidewalk not street);

f. Within twenty-five (25) feet of any alley approach;

g. Within one hundred (100) feet of another Vending Cart Designated Location;

h. Within one hundred (100) feet of the property line of any public or private school;

5. a. Vending Carts shall not be located within fifty (50) feet of any usual public entrance to any business which has as its primary enterprise the sale of prepared food products unless the owner, by written notice to the designee of the Finance Director, allows the Vending Cart to be closer.

b. Should the primary enterprise or the owner of any business in the area of a Designated Location change, a valid Permit shall have precedence and shall not be nullified by reason of the proximity requirement of 5.a. above during the Permit year in progress. However, all requirements of this Article shall apply for any renewal application or any new application for that Designated Location.

6. Vending Carts shall be located only in the outer (curb side) one-half (½) of any sidewalk providing that a minimum of five (5) feet for clear walking passage must be maintained at all times between the Vending Cart and inner (building) edge of the sidewalk.

7. Any Permitted Vending Cart may be alternated among those Designated Locations Permitted to the Permittee. However, on any day a Vending Cart is removed from its Designated Location it cannot be returned to that, or any other, Designated Location for operation that same day.

E. OPERATION.

1. A Vending Cart shall not remain in a Designated Location overnight.

2. All products and operations of a Vending Cart Operation must conform to Federal, State, County, and local health regulations as directed by the Stanislaus County Department of Environmental Resources (Health Department).

3. All operations of a Vending Cart Operation must conform to Federal, State, County, and local safety regulations as directed by the City of Modesto Fire Department.

4. Vending Carts shall be limited to the sale of food and drink products only (such as hot dogs, sandwiches, ice cram, soft drinks, candy, doughnuts).

5. Alcoholic beverages shall not be sold at any Designated Location.

6. The frying of food items is not permitted at any Designated Location.

7. Permittee shall indemnify and hold harmless the City of Modesto, its officers, agents, and employees, from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the Vending Cart Operation.

8. Food products may not be sold to any person in a parked or stopped motor vehicle.

9. Vending Cart Operations shall not interfere with any parked, stopped, or moving motor vehicle.

10. Operators shall not shout or willfully make any loud noise (except when an emergency shall suddenly occur) to the annoyance or disturbance of any person in the vicinity of the Designated Location.

11. The ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is prohibited.

12. Each Operator shall keep the area around the Vending Cart clean of all garbage, trash, and litter resulting from the transportation, storage, preparation, vending, or use of Vending Cart products. The ground shall be kept free of substances such as cheese, lettuce, mustard, relish, leaking water, paper, and any other substance which may cause a person to slip or trip. The sidewalk in the immediate area shall be cleaned of any stains caused by Vending Cart Operations.

13. Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. daily.

14. The provisions of the Modesto Municipal Code controlling or regulating the use of signs, posters, and advertising shall be complied with at all times (see the City Zoning Department, 4th Floor City Hall).

15. A Vending art at a Designated Location shall not be left unattended.

16. When in a Designated Location, Vending Cart Operations shall be conducted only upon the public sidewalk. Vending Cart Operations shall not be conducted in such a way as would tend to cause customers or pedestrians or operators to leave the public sidewalk and pass onto surrounding property or onto the street or gutter.

17. Except for a separate chair for the Operator and a litter receptacle, no other piece of equipment or any supplies of the Vending Cart Operation shall rest upon the ground outside the manufactured horizontal dimensions of the Vending Cart. The separate chair and litter receptacle may not rest in any location or in any position which might cause a tripping hazard for pedestrians or customers.

F. TEMPORARY OR PERMANENT ABANDONMENT.

1. a. The designee of the Finance Director may require the temporary or permanent abandonment of any Designated Location due to unsafe conditions. An unsafe condition is any condition which unreasonably increases the risk of injury to any person or damage to any property.

b. Any Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be entitled to a temporary location.

2. a. The requirements of events such as the Fourth of July Parade, Annual Bicycle Rally, Cinco de Mayo Parade, and other City Council declared, approved, or recognized events (such as sidewalk sales) may necessitate the temporary abandonment of a Designated Location. Temporary abandonment of a Designated Location may be necessary to allow for placement of grandstands, safety barricades, sales tables, or other physical properties which cannot safely or practically be located in another position or location and still support the success of the event.

b. The City reserves the right to temporarily relocate or modify a Designated Location to the extent necessary for any such event to be safely and practically conducted.

G. TEMPORARY LOCATIONS.

A Permittee who is required by the City to abandon a Designated Location for any length of time (except for summary suspension or revocation of Permit) shall be allowed to select a temporary location subject to the approval of the designee of the Finance Director. The designee of the Finance Director shall have authority to modify usual location criteria in approving the temporary

location but not to the extent that safety is significantly jeopardized. The temporarily assigned location shall be as close as safety and practicality permit to the usual Designated Location and shall be used only as long as the usual Designated Location is not available.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-310

A RESOLUTION APPROVING THE FINAL MAP OF THE DOKER DRIVE INDUSTRIAL PARK SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, DON L. BAKER and ANNETTE BAKER, husband and wife; and ZORA ZIPSER, Trustee, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.14 acres, known as the College West Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 7th day of December, 1992, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Doker Daive Industrial Park Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and

that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-311

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF $409,950 TO COMPLETE THE AIRPORT'S FISCAL YEAR 1993-94 CAPITAL IMPROVEMENTS

WHEREAS, on January 26, 1993,the Council of the City of Modesto approved the submittal of a preapplication for federal funds to complete Airport Improvement Program projects consisting of airfield sign upgrades, pavement rehabilitation work, construction of a section of new taxiway, and the purchase of a lift vehicle for physically impaired passengers; and

WHEREAS, the Federal Aviation Administration has tentatively approved funding in the amount of $409,950.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of $409,950 for the above-mentioned projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on May 25, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-312

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO APPLY FOR A NATIONAL INSTITUTE OF JUSTICE EVALUATION GRANT IN THE AMOUNT OF $250,000 FOR TWO YEARS, FOR QUANTITATIVE AND QUALITATIVE EVALUATION OF THE CITY OF MODESTO'S PLANNED COMMUNITY ORIENTED POLICING.

WHEREAS, the Modesto Police Department is currently finishing operational plans to initiate community oriented policing in the City, and

WHEREAS, given the relative newness of the community oriented policing movement, few impact evaluations have been conducted in the area, and

WHEREAS, the National Institute of Justice is currently soliciting grant proposals for these impact evaluations, and

WHEREAS, the Modesto Police Department would like to take advantage of this solicitation and apply for a two-year grant, with possible extensions to five years, and

WHEREAS, the City's proposal includes:

An Administrative Analyst, salary and benefits, for data collection and preliminary analysis.
$114,000

960 hours of professional consultation, analysis and random survey data collection from the Institute for Social and Communication Research (affiliated with California State University at Stanislaus)
$ 96,000

Indirect cost recovery for the City of Modesto for key police personnel involved in the initiation and operation of Community Oriented Policing.
$ 40,000

and

WHEREAS, there is no match required of the City of Modesto for this grant, and

WHEREAS, this grant project would allow the City of Modesto to evaluate its community oriented policing in a highly controlled academic statistical model, at no cost to the City, and

WHEREAS, Modesto's project would potentially receive national law enforcement attention, and

WHEREAS, it is necessary for the City of Modesto to file its grant application in Washington, D.C., by June 2, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the filing of a grant application with the National Institute of Justice for a grant in the amount of $250,000 for two years, for quantitative and qualitative evaluation of the City of Modesto's planned Community Oriented Policing.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

05/28/93--CA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-313

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN, VENCE AND ASSOCIATES TO PERFORM AN EFFICIENCY STUDY OF THE TWO CITY-LICENSED GARBAGE COMPANIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brown, Vence and Associates to perform an efficiency study of the two City-licensed garbage companies

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th **day of** May **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-314

Print

A RESOLUTION ACCEPTING THE RESIGNATION OF BARBARIAE BOYETTE FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE MAY 25, 1993

WHEREAS, Barbariae Boyette was appointed a member of the Human Relations Commission on May 20, 1986; and

WHEREAS, Barbariae Boyette has tendered her resignation from the Human Relations Commission, effective May 25, 1993.

NOW, THEREFORE BE IT RESOLVED that the resignation of Barbariae Boyette from the Human Relations Commission be, and hereby is accepted.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Barbariae Boyette for her service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-315

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE BEYER PARK PARKING AREA REHABILITATION

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

SECTION 1. The specifications for the Beyer Park parking area rehabilitation , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 24, 1993 , at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June 19 93 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-316

Print

A RESOLUTION ACCEPTING THE COFFEE AND SYLVAN INTERSECTION RECONSTRUCTION AND TRAFFIC SIGNAL MODIFICATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Coffee and Sylvan intersection reconstruction and traffic signal modifications

has been completed by Western Stone Products, Inc.

in accordance with the contract agreement dated July 28, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Coffee and Sylvan intersection reconstruction and traffic signal modifications

be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $296,244.10 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-317

Print

A RESOLUTION ACCEPTING THE DRY CREEK BIKE TRAIL UNDER EL VISTA BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Dry Creek bike trail under the El Vista Bridge

has been completed by George Reed, Inc.
in accordance with the contract agreement dated October 20, 1992 .

NOW, THEREFORE, BE IT RESOLVED that the Dry Creek bike trail under the El Vista bridge

be accepted from said contractor, George Reed, Inc. ;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $75,749.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION 93- 318

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ASSET FORFEITURE REVENUE.

WHEREAS, asset/forfeiture money is collected and held in trust by the City.

WHEREAS, this money can only be used for law enforcement purposes. Expenditures from these trust account funds must be appropriated to the Police 010 General Fund - capital equipment and/or operating accounts.

WHEREAS, it has been determined that the following equipment is necessary.

WHEREAS, this resolution approves that the following amount be transferred from trust for expenditure.

THEREFORE, the following adjustments are necessary:

General Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
010-190-1901-5631	Apple Computer System	$ 8,813.
010-190-1901-5632	Portable Radio battery analyzer/conditioner (2)	$ 2,559.
Revenues		
010-190-1901-7202	Seized Forfeitures	$11,372.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-319

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND ARROYO SECO ASSOCIATES FOR THE FINANCE DEPARTMENT AUDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Arroyo Seco Associates in regard to the Finance Department Audit be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-320

Print

A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH MUNICIPAL CODE CORPORATION FOR CODIFICATION OF CITY ORDINANCES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Municipal Code Corporation to increase charges for codification be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-321

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE FAIRWAY HOMES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, HARTFORD DEVELOPMENT, a general partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.96 acres, known as the Fairway Homes Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 4th day of June, 1990, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Fairway Homes Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City

of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-322

A RESOLUTION RECOMMENDING TO THE COUNTY OF STANISLAUS APPROVAL OF P-D REZONE APPLICATION 93-02 FILED BY MID-VALLEY ENGINEERING ON BEHALF OF LSB DEVELOPMENT TO CONSTRUCT A THREE-STORY, 172-UNIT, EXTENDED CARE FACILITY FOR THE ELDERLY AT THE NORTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE IN THE CITY'S URBAN RESERVE AREA AS DESIGNATED IN THE MODESTO URBAN AREA GENERAL PLAN.

WHEREAS, in 1989, over objections by the City, the County granted a General Plan amendment and P-D(167) Zone for "The Arbor", a 40,000 plus square foot office development at the northeast corner of Coffee Road and Mable Avenue, and

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement for the reciprocal collection of certain developer fees, and wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, Council Policy 4.028 guides consideration of development proposals within the City's Sphere of Influence, and

WHEREAS, of the four distinct types of county areas within the sphere of influence, the subject property is located in Area 4, within the City's Urban Reserve that is designated on the County General Plan map as Urban Transition, and

WHEREAS, subsequently, a one-year time extension was granted by the County for P-D(167) calling for start of construction on or before January 1, 1993, and completion by

January 1, 1995, and

WHEREAS, Mid-Valley Engineering has submitted to the County Rezone Application No. 93-02 on behalf of LSB Development to change the use of the project from professional office complex to housing for the elderly (a three-story, 172-unit extended care facility), and

WHEREAS, the applicant states that this is an amendment to a previous entitlement but County staff considers this a new rezoning and, as such, the City Council is to review rezonings, and

WHEREAS, the subject project is located at the northeast corner of Coffee Road and Mable Avenue within the North Beyer Park Annexation area and has been approved by LAFCO, subject to a CITY/COUNTY agreement regarding revenue neutrality, and

WHEREAS, previously, the City Council recommended to LAFCO that an EIR be prepared in the North Beyer Park Reorganization and LAFCO agreed, and

WHEREAS, a February 1991 Draft EIR and May 1992 Final EIR were prepared and certified by LAFCO, and

WHEREAS, the annexation is currently on hold until such time as the City and County reach agreement for mitigation of fiscal impact to both parties prior to approval of any development proposals by the City of Modesto, and

WHEREAS, annexation cannot be completed until the

fiscal impact mitigation issue is resolved, and

WHEREAS, by accommodating development of the subject project in the County, the City will not benefit from Capital Facilities Fees for Police, Fire, Parks, Public Transportation, Air Quality, and Other Facilities components for an area slated to be a part of the City in the near future, and

WHEREAS, said matter was set to be considered by the City Council at its meeting of May 25, 1993, at which time said matter was continued to 4:00 p.m. on June 8, 1993, in the Council Chambers located at 801 11th Street, Modesto, California,

WHEREAS, after consideration of said matter at its meeting of June 8, 1993, the Council determined that the rezone application of Mid-Valley Engineering filed on behalf of LSB Development should be approved, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends to the County of Stanislaus that the Rezone Application 93-92 filed by Mid-Valley Engineering on behalf of LSB Development be approved, subject to the following conditions:

1. The execution by Developer of an agreement for payment of City of Modesto Capital Facilities Fees, a copy of which agreement is attached hereto and marked Exhibit "A"

2. The County shall not issue a building permit for the project until it receives written confirmation from the City of Modesto that the City has received fees referred to in said agreement, a copy of which agreement is attached hereto and marked Exhibit "A".

3. Approval by the City of Modesto Public Works & Transportation Director of all streets in accordance with City's Standard Specifications.

4. Approval by the City of Modesto Parks & Recreation Director of landscaping and irrigation plans.

5. Limitation to occupants 62 years of age or older, spouses, and the handicapped.

6. Approval by the City of Modesto Fire Chief of conformance of all City Fire Code standards including sprinklers and water delivery and emergency access construction standards.

7. Construction under the 1991 Uniform Building Code or more recent edition as adopted by City of Modesto at the time of issuance of building permits.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

AGREEMENT FOR PAYMENT OF CAPITAL FACILITIES FEES
AND SEWER HOOKUP

THIS AGREEMENT is made and entered into this _____ day of _____, 1993, by and between the CITY OF MODESTO, a municipal corporation of the State of California (hereinafter called "CITY"), and LSB DEVELOPMENT LTD, a limited partnership, (hereinafter called "DEVELOPER".

W I T N E S S E T H:

WHEREAS, in 1989, Stanislaus County granted a General Plan Amendment and P-D(167) Zone for "The Arbor", a 40,000 square foot office development, at the Northeast corner of Coffee Road and Mable Avenue (hereinafter "the project site") in the CITY's Urban Reserve Area as designated in the CITY's General Plan; and

WHEREAS, the project site is owned by DEVELOPER and is located in Stanislaus County, California, and is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, and

WHEREAS, on March 13, 1990, the CITY and County of Stanislaus entered into an agreement for the reciprocal collection of certain developer fees, and wherein the County agreed to limit development within the CITY's Sphere of Influence, absent the consent of the City Council; and

WHEREAS, Mid-Valley Engineering, on behalf of DEVELOPER has submitted Rezone Application 93-02 (hereinafter "the project") to allow construction of a three-story, 172-unit, extended care facility for the elderly on the project site which has been referred by the County to the City for the approval by the City Council; and

WHEREAS, the project site is located within the North Beyer Park Annexation area, an annexation that has been approved by LAFCO, subject to a CITY/County agreement regarding revenue neutrality; and

WHEREAS, thus far, there is no indication that such a

EXHIBIT "A"

revenue neutrality agreement will be reached in the near future and, absent such an agreement, the annexation cannot be completed; and

WHEREAS, when the City Council initially considered this matter at its meeting of May 25, 1993, being cognizant that this area will eventually be annexed to the CITY, the City Council was concerned about the lack of payment of CITY Capital Facilities Fees (hereinafter CFF) if the project developed prior to the completion of the annexation; and

WHEREAS, the DEVELOPER understands the CITY's concerns but is unwilling to pay both the County's Public Facilities Fees (hereinafter PFF) and the CITY's CFF; and

WHEREAS, the City Council delayed action on the matter at its May 25, 1993, meeting, and continued the matter for two weeks to give the DEVELOPER a chance to meet with County staff to arrive at an acceptable solution to the problem of payment of both PFF and CFF; and

WHEREAS, the DEVELOPER's representative and CITY staff met with the County's PFF Committee on June 4, 1993, and the committee agreed to refund to the DEVELOPER the unincorporated area portion of the PFF if the project is annexed to the CITY within one year of a building permit being issued by the County on the basis that there would be inadequate nexus for those fees in that event; and

WHEREAS, the project, because of the 1990 agreement, is subject to a portion of CITY's CFF whether the project develops in the CITY or in the County; and

WHEREAS, CITY has proposed to consent to the proposed project provided that DEVELOPER agrees to pay the balance of the CITY's CFF that would otherwise be payable if the project were to develop in the CITY (the Fire, Police, Parks and Recreation, Other CITY facilities, Public Transportation, and Air Quality portion of the CITY's CFF), upon the issuance of a building permit by the County for the project; and

WHEREAS, under the proposal, the CITY would escrow that

portion of the CFF for a period of five years following the issuance of a building permit, and in the event the North Beyer Park Annexation were completed within five years thereafter those fees would then be released to the CITY; and if the annexation were not completed within such five-year period, the fees in escrow would be refunded to the DEVELOPER; and

WHEREAS, the CITY further proposes that in the event of completion of the annexation within such five-year period, the DEVELOPER shall connect to the CITY sewer system as required by the Modesto Municipal Code; and

WHEREAS, the DEVELOPER has indicated a willingness to enter into such an agreement; and

WHEREAS, on June 8, 1993, the Modesto City Council by the adoption of Resolution No. 93-322, consented to the development of the project upon certain conditions, one of which being the execution of such an agreement by the DEVELOPER with the CITY in a form approved by the City Attorney.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE CITY AND DEVELOPER AS FOLLOWS:

1. In consideration of CITY's consent to County's approval of the project, DEVELOPER agrees to pay to CITY the CFF for the project that would be due if the project were developed within the Modesto City limits. These fees shall be due and payable upon issuance of a building permit for the project by Stanislaus County. That portion of the CITY's CFF which is levied on development within the City's Sphere of Influence by the County pursuant to the 1990 agreement shall not be refundable for any reason whatsoever. However, that portion of the CFF collected for Fire, Police, Parks and Recreation, Other CITY facilities, Public Transportation, and Air Quality, shall be escrowed by the CITY in a separate account for that purpose. In the event the North Beyer Park Annexation area is not completed within five years from the date of the issuance of the building permit for the project by the County, the CITY shall refund to the DEVELOPER that portion of the CFF set aside in the escrowed account together with any interest thereon. Upon completion of the annexation of the North Beyer Park Annexation area within

such five-year period, the CITY may use the escrowed CFF funds, including any interest thereon.

2. In the event the North Beyer Park Annexation is completed within five years after the issuance of a building permit by the County for the project, DEVELOPER agrees, in further consideration of CITY's consent to County's approval of the project, to connect to the CITY's sewer system within five years of the completion of the annexation and to pay all connection fees applicable at the time of the connection.

3. This agreement shall be recorded in the office of the Recorder of Stanislaus County, California, and shall constitute notice to all successors and assigns of the title to the project site and of the obligations herein set forth which shall run with said property.

4. In the event of litigation occasioned by any default of DEVELOPER, DEVELOPER agrees to pay all costs involved, including reasonable attorney's fees, and the same shall become a lien against said real property.

5. This agreement shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has caused this Agreement to be executed in duplicate by its City Manager and attested by its City Clerk

under authority of Resolution No. 93-322 adopted by the City Council of the City of Modesto on the 8th day of June, 1993, and DEVELOPER has caused this agreement to be executed.

CITY OF MODESTO, a
municipal corporation

By_____
J. EDWARD TEWES
City Manager

LSB DEVELOPMENT LTD, a
limited partnership

By_____

ATTEST:

By_____
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By_____
MICHAEL D. MILICH, City Attorney

ALL-PURPOSE ACKNOWLEDGMENT

State of California)
) ss.
County of Stanislaus)

On _____, 1993, before me, _____, the undersigned Notary Public, personally appeared _____, ☐ personally known to me- OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____
Signature of Notary

ALL-PURPOSE ACKNOWLEDGMENT

State of California)
) ss.
County of Stanislaus)

On _____, 1993, before me, _____, the undersigned Notary Public, personally appeared _____, ☐ personally known to me- OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____
Signature of Notary

MODESTO CITY COUNCIL
RESOLUTION NO. 93-323

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 1993 STREET CAPE SEALS

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

SECTION 1. The specifications for the 1993 street cape seals

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 1, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-324

Print

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE BRIGGSMORE WIDENING - STATE ROUTE 99 TO TULLY ROAD PROJECT

WHEREAS, Resolution No. 93-237 , adopted by the Council of the City of Modesto on April 27 , 1993 , approved the plans and specifications for the Briggsmore widening - State Route 99 to Tully Road

and authorized the calling for bids; and

WHEREAS, the bids received for the Briggsmore widening - State Route 99 to Tully Road
were opened at 11:00 a.m. on May 25, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $2,368,384.16
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $2,368,384.16 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Maxine Coyle

MODEST CITY COUNCIL
RESOLUTION 93-325

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE REVENUE FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF BRIGGSMORE AVENUE FROM SR99 TO TULLY ROAD.

WHEREAS, the City anticipates receiving State-Local Transportation Partnership funding on the project. This item was first presented to Council on April 27, 1992, Resolution number 93-238.

WHEREAS, the State match ratio is approximately 21% of the eligible project costs.

WHEREAS, the total project was previously funded 100% with Fund 141- Capital Facilities Fees:Streets; therefore, this additional revenue will replace the current funding source. This will be accomplished by leaving the project budget as is and increasing the Contingency Reserve in Fund 141 by the match amount, $510,861.

WHEREAS, this project is currently budgeted in two accounts:

141-430-B031	Widen Briggsmore from SR99 to Prescott
141-430-B032	Widen Briggsmore from Prescott to Tully

WHEREAS, the name on both of these projects will be changed to: Widen Briggsmore from SR99 to Tully.

THEREFORE, the following adjustment is necessary:

CFF Streets Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
141-800-8000-8003	Contingency Reserve	$510,861
Revenues		
141-430-0000-3138	State Share-State Local Partnership Funding	$510,861

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-326

Print

A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL FOR FURNISHING LIQUID CHLORINE

WHEREAS, Resolution No. 93-269 , adopted by the Council of the City of Modesto on May 4 , 1993 , approved the plans and specifications for the purchase of liquid chlorine

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing liquid chlorine

were opened at 11:05 a.m. on May 24, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of All Pure Chemical in the amount of $278,110

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of All Pure Chemical in the amount of $278,110 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June , 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-327

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 39,000 POUNDS OF HYDROFLOC 708H POLYMER FROM WESTERN ENVIRONMENTAL SERVICES, INC.

WHEREAS, the Water Treatment Division of Public Works and Transportation Department has requested the purchase of 39,000 pounds of Hydrofloc 708H polymer for use in sludge thickening to improve solids removal; and

WHEREAS, over the past several years different products have been tested in order to find the one that has maximum solids removal capabilities and to date, only Western Environmental Services, Inc. has provided the product that is effective.

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

BE IT FURTHER RESOLVED that purchase of 39,000 pounds of Hydrofloc 708H polymer from Western Environmental Services, Inc. for the total cost of $107,654 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-328

A RESOLUTION APPROVING AND SUPPORTING NEWLY CHARTERED MODESTO FIRE EXPLORER POST NO. 911.

WHEREAS, Modesto Fire Department personnel is interested in establishing and promoting a Fire Explorer Post, and

WHEREAS, the goals of the Fire Explorer Post are to provide to young men and women of the community who have professed a desire for a future fire service career, an opportunity to learn through both in-classroom and fire station activities, and

WHEREAS, in-classroom and fire station activities would be instructed and controlled by interested fire department personnel, and

WHEREAS, chartering of the Fire Explorer Post (through Boy Scouts of America) is the final step in the post formation process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and supports the newly chartered Modesto Fire Explorer Post No. 911 (through Boy Scouts of America), a program designed to give young men and women an opportunity to decide for themselves if a fire service career is appropriate in their future plans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-329

Print

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR A WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM MASTER PLAN.

WHEREAS, a specific recommendation of the Public Works and Transportation Department Audit, as adopted by the Council in September 1992, was to develop a long-range master plan for the wastewater treatment plant and wastewater collection system, and

WHEREAS, City staff has been assembling background information on the wastewater treatment plant and collection system, the information includes engineering and other data pertaining to the existing and future needs of the wastewater treatment plant and collection system, and

WHEREAS, the City of Modesto must meet treatment and discharge standards for wastewater treatment and disposal now and in the future, and

WHEREAS, treatment and collection capacity is needed to resolve existing system problems and provide for future growth in accordance with the City's General Plan, and

WHEREAS, the selection process for the Master Plan used by staff has been a two step process. First, qualification statements were received to select the most experienced firms to be invited to submit proposals. After Council authorization to request proposals, the second step will consist of evaluation of those proposals and an interview of the most responsive firms.

The selected firm will then be submitted to Council for authorization to enter a contract, and

WHEREAS, the Utility Services and Franchises Committee reviewed the workplan and schedule for the Wastewater Master Planning process in May 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to continue with the evaluation process for the Wastewater Treatment Plant and Sanitary Collection System Master Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

06/09/93 OP0N0VBU/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-330

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR A WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM REVENUE AND FINANCING PLAN.

WHEREAS, a specific recommendation of the Public Works and Transportation Department Audit, as adopted by the Council in September 1992, was to develop a long-range master plan for the wastewater treatment plant and wastewater collection system, and

WHEREAS, a Revenue and Financing Plan is needed to plan the financing of necessary improvements, and

WHEREAS, City staff has been assembling background information on the wastewater treatment plant and collection system, the information includes engineering and other data pertaining to the existing and future needs of the wastewater treatment plant and collection system, and

WHEREAS, the City of Modesto must meet treatment and discharge standards for wastewater treatment and disposal now and in the future, and

WHEREAS, an open solicitation process will be used to select the financing firm to develop the Revenue and Financing Plan, and

WHEREAS, the Wastewater Revenue and Financing Plan will be developed using cost estimates for the improvements identified in the master plans, and the Revenue and Financing Plan will recommend future sewer service rates and connection fees as well

as a plan to finance the necessary improvements to the collection system and wastewater treatment plan, and

WHEREAS, the Utility Services and Franchises Committee reviewed the workplan and schedule for the Wastewater Master Planning process in May 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for a WAstewater Treatment Plant and Collection System Revenue and Financing Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-331

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $5,200 TO PURCHASE A REPLACEMENT SMALL AIRCRAFT FIREFIGHTING VEHICLE FOR THE AIRPORT

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

FROM:	Airport Contingency Reserve (631 800 8000 8003)	$5,200
TO:	Aircraft vehicle account (631 480 5412 5000)	$5,200

This is a replacement for the Airport's small aircraft firefighting vehicle, which the Fire Department reports is top heavy and unsafe to drive during an emergency response.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th **day of** June , 1993 , **by Councilmember** Friedman , **who moved its adoption, which motion being duly seconded by Councilmember** Patterson , **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-332

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PEDESTRIAN/BICYCLE UNDERCROSSING AT CLAUS ROAD.

WHEREAS, the City Council certifies that it has reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the pedestrian/bicycle undercrossing at Claus Road,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the pedestrian/bicycle undercrossing at Claus Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

05/21/93--CA

MODESTO CITY COUNCIL
RESOLUTION NO. 93-333

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUNRIDGE SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Bright Development , subdividers of Sunridge Subdivision , have filed subdivision bonds for faithful performance and labor and materials in the amount of $ 352,600.00 and $ 176,300.00 respectively to guarantee improvements in Sunridge Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated May 28, 1993, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Sunridge Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $ 352,600.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $ 176,300.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-334

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF BROWN & WOOD FOR LEGAL SERVICES IN CONNECTION WITH FINANCING ISSUES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Brown & Wood for legal services in connection with financing issues

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-335

A RESOLUTION ACCEPTING A GRANT AWARD FROM THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT.

WHEREAS, under the provisions of AB 2766 the San Joaquin Valley Unified Air Pollution Control District has offered grant funding for projects in one of three categories: Motor Vehicle Emissions Reduction Projects; Public Education/Awareness; and Transportation Control Measures, and

WHEREAS, on May 10, 1993, City staff received notice that the City of Modesto is eligible to receive $24,500 in grant funding for two projects, and

WHEREAS, both projects are in the Motor Vehicle Emissions Reduction Projects category, and

WHEREAS, the first project replaces five of the City's older vehicles with new compressed natural gas (CNG) vehicles, and a grant of $12,500 was awarded, and

WHEREAS, the City will fund the basic cost of the vehicles, and the grant funding will, in combination with matching funds from PG&E, fund the difference in cost to obtain CNG dedicated vehicles, and

WHEREAS, the second project will upgrade the City's existing methane refueling station at the Corporation Yard for use by vehicles utilizing compressed natural gas, and a grant of $12,000 was awarded, and

WHEREAS, said funding will provide sufficient funding

to connect the fuel compression station to PG&E's gas line and make other necessary modifications to the site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the San Joaquin Valley Unified Air Pollution Control District in the amount of $24,500 for the above-referred to projects.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the grant acceptance, project agreements, or any other documents that may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODEST CITY COUNCIL
RESOLUTION 93-336

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE REVENUE FROM THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT (SJVUCD) FOR A NEW CIP PROJECT- COMPRESSED NATURAL GAS (CNG) MODIFICATIONS.

WHEREAS, the City has been awarded a grant in the amount of $24,500 from the San Joaquin Valley Unified Air Pollution Control District.

WHEREAS, the grant is for two different projects: $12,500 is for Vehicle modifications to equip vehicles with Compressed natural gas (CNG) capability, and $12,000 is for the CNG refueling station modifications.

WHEREAS, it is necessary to estimate the grant revenue and appropriate the project. These projects will be appropriated in the same project account.

THEREFORE, the following adjustment is necessary:

Fleet Management Fund (720)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
720-430-C224-6010	CNG Modifications (SJVUCD) Refueling Station-Design	$6,000.
720-430-C224-6040	CNG Modifications (SJVUCD) Refueling Station-Construction	$6,000.
720-430-C224-6070	CNG Modifications (SJVUCD) Vehicle Equipt	$12,500.
Revenues		
720-480-5812-3138	State Share of Project	$24,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-337

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL RESOURCE CONSULTANTS TO INCLUDE AUDITS FOR BUSINESS LICENSE TAX FRANCHISE FEES, TRANSIENT OCCUPANCY TAX, UTILITY USER TAX AND DOCUMENTARY TRANSFER TAX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Municipal Resource Consultants to include audits for Business License Tax Franchise Fees, Transient Occupancy Tax, Utility User Tax and Documentary Transfer Tax, in addition to Sales Tax audit services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-338

A RESOLUTION AUTHORIZING MUNICIPAL RESOURCE CONSULTANTS TO ACCESS INFORMATION FROM COMPANIES RESPONSIBLE FOR THE COLLECTION OF UTILITY USERS TAX AND FRANCHISE FEES.

WHEREAS, the City of Modesto derives substantial revenues from its utility users taxes and franchise fees, and

WHEREAS, it is prudent and appropriate that the City perform a periodic audit of those persons or entities responsible for the collection and/or payment of utility users taxes and franchise fees to the City, and

WHEREAS, in order to conduct a thorough and efficient audit, the City requires reasonable access to certain information, records, and data of those persons or entities responsible for the collection and/or payment of utility users taxes and franchise fees to the City, and

WHEREAS, with respect to the auditing of gas, electric, water, telephone and CATV utility users taxes and franchise fees, the City has retained the services of Municipal Resource Consultants and Donald H. Maynor (through MRC), hereinafter "Consultants",

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

1. Institutes an audit proceeding of the City's gas, electric, water, telephone and CATV utility users taxes and franchise fees, wherein the City Staff and Consultants shall

periodically report to the City Council the findings of such audit activities.

2. Authorizes the Mayor of the City Council to issue subpoenas pursuant to Government Code §37104 et seq., requiring the subpoenaed party to provide certain information to the City and/or its authorized representatives for purposes of conducting an audit of the City's gas, electric, water, telephone and CATV utility users taxes and franchise fees.

3. Designates Consultants as authorized representatives of the City for purposes of conducting an audit of the City's gas, electric, water, telephone, and CATV utility users taxes and franchise fees, and for purposes of receiving subpoenaed audit information. Consultants are also authorized to execute a nondisclosure agreement on behalf of the City with respect to confidential information that is received by Consultants on behalf of the City in connection with the authorized audit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

06/23/93--CA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-339

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF ERNESTINE LOPEZ, RECEIVED IN THE OFFICE OF THE CITY CLERK ON MAY 27, 1993

WHEREAS, an application for leave to present late claim on behalf of the claimant, Ernestine Lopez, against the City of Modesto was received on May 27, 1993, in the office of the City Clerk, City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of the claimant, Ernestine Lopez, against the City of Modesto, received on May 27, 1993, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Patterson , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-340

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(494). (CLS INVESTMENTS)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by CLS Investments on February 26, 1993, to reclassify from Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow an existing office building to be occupied by limited commercial retail service uses in addition to current business professional office uses, property located at 121 Downey Avenue, on the north side of Downey Avenue east of McHenry Avenue, described as follows:

All that real property situate in a portion of the Southwest quarter of the Northwest quarter of Section 28, Township 3 South, Range 9, East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

R-3 to P-D(494)

All of Lots 16 and 17 and the Eastern 4.00 feet of Lot 15 and the Western 3.00 feet of Lot 18 in Block 568 of the City of Modesto.

Including also all of the Northern 40.00 feet of 80.00 foot wide Downey Avenue immediately adjacent to the above described property.

P-O to P-D(494)

All of Lots 11, 12, 13, 14, 36, 37, and portions of 10, 15, 35, 38, 39, and 40 in Block 568 of the City of Modesto, described as follows:

Beginning one foot West of the Southeast corner of Lot 10 in said Block, thence along the North line of 80.00 foot wide Downey Avenue, East 122.00 feet to a line 4.00 feet West of the East line of said Lot 15; thence North and parallel to said Lot 15 and Lot 35 298.23 feet to the North

line of said Lot 35 and the South line of 49.5 foot wide Jones Street; thence West along the South line of Jones Street 81.33 feet to a line 10.33 feet west of and parallel to the East line of said Lot 38; thence along said parallel line South 132.00 feet; thence West 40.67 feet to a line 1.00 feet West of and parallel to the East line of said Lot 40; thence along said parallel line South 167.20 feet to the POINT OF BEGINNING.

Including also all of the Northern 40.00 feet of 80.00 foot wide Downey Avenue immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 3, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-20, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will continue to provide a land-use transition between the residential areas to the north and northeast and the more intensive commercial developments in the downtown core to the south.

2. The limitations to the project brought by the building, site design, one-way access, and conditions of approval assure that residential compatibility will remain.

and

WHEREAS, after a public hearing held on June 15, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of CLS Investments for a Planned Development Zone should be granted as consonant with public necessity,

convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-20 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2856 -C.S. on the 15th day of June, 1993, reclassifying the above-described property from Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(494).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(494), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Woodside Offices Additional Parking" as amended in red,stamped approved by the Board of Zoning Adjustment on July 24, 1986, and by the Planning Commission on May 3, 1993.

2. Prior to occupancy of any commercial uses, the developer shall construct a six-foot (6'), solid, decorative, masonry wall along the property line of 130 Jones Street, extending south from the Jones Street setback line to adjoin the existing six-foot (6') walls along the north and east boundaries.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

5. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

6. There shall be no outside storage of any type of material. There shall be no service or maintenance of vehicles onsite and there shall be no parking or dispatching of vehicles rated in excess of one (1) ton.

7. No signs shall be permitted above eight feet (8') in height on the north face of the buildings.

8. All signs shall comply with the sign requirements of the P-O Zone.

9. All conditions of Board of Zoning Adjustment Resolution Nos. 1265 and 887 not in conflict with this action shall remain in full force and effect.

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(494), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	Bird, Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Planning and Community Development

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-341

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O AND R-3 TO P-D(494). (CLS INVESTMENTS)

WHEREAS, on June 15, 1993, the City Council introduced Ordinance No. 2856-C.S. giving approval to a project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(494), property located at 121 Downey Avenue, on the north side of Downey Avenue east of McHenry Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 28-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone, P-O, and Medium High

Density Residential Zone, R-3, to Planned Development Zone, P-D(494), property located on the south side of East Orangeburg Avenue between Nelson and Melrose Avenues.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	Bird, Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-342

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FOUR POLICE INTERACTIVE VIDEODISC DELIVERY AND SATELLITE SYSTEMS FROM RYNO IMAGING SYSTEMS AND 10-4 COMMUNICATIONS

WHEREAS, the Commission on Peace Officers Standards and Training (POST) is changing the method by which they deliver training to law enforcement agencies in the State, which includes training delivered through interactive video and satellite broadcasts; and

WHEREAS, using the specifications provided by POST and in conjunction with the Training Units of the Stanislaus County Sheriff's Office and the California State University at Stanislaus, two vendors were selected from a field of thirteen at the lowest prices meeting the POST specifications.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of four police interactive videodisc delivery and satellite systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of four police interactive videodisc delivery and satellite systems from Ryno Imaging Systems in Benicia and 10-4 Communications in Modesto for the total cost of $30,344 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-343

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE REVENUE FROM THE PEACE OFFICERS STANDARDS AND TRAINING ASSOCIATION (POST) FOR THE PURCHASE OF FOUR POLICE INTERACTIVE VIDEODISC DELIVERY AND SATELLITE ANTENNA SYSTEMS.

WHEREAS, the City has been notified that it is eligible for maximum reimbursement of $29,287 for the purchase of four interactive videodisc delivery and satellite antenna systems, and

WHEREAS, these systems will be used to receive POST training. POST is offering this reimbursement to encourage participation in this new program, and

WHEREAS, it is necessary to transfer a small amount of funds to cover the total cost of four systems,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

General Fund (010)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
010-190-1911-0209	Training	($1,057)
010-190-1911-5658	Interactive Videodisc delivery/ satellite system (4)	$30,344
Revenues		
010-190-1911-3128	State Share of Project-(POST)	$29,287

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-344

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,400 FOR THE SISK/ PELANDALE TRAFFIC SIGNAL PROJECT

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

FROM:	Kansas/Emerald Traffic Signal (141 160 B027 6050)	$4,400.00
TO:	Pelandale/Sisk Traffic Signal (141 160 G951)	$4,400.00

These funds are needed to cover costs that have exceeded the originally appropriated amount.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th **day of** June **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-345

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COPPER CREEK HOMEOWNERS ASSOCIATION FOR THE ACQUISITION OF A DRAINAGE EASEMENT NEEDED TO WIDEN CLAUS ROAD BRIDGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Copper Creek Homeowners Association for the acquisition of a drainage easement needed to widen Claus Road bridge

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th **day of** June **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-346

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE OF RIGHT OF WAY NEEDED FOR THE WIDENING OF BRIGGSMORE BETWEEN PRESCOTT AND TULLY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District consenting to common use of right of way needed for the widening of Briggsmore between Prescott and Tully Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th **day of** June **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Cogdill, Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-347

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE BRIGGSMORE/McHENRY INTERSECTION IMPROVEMENTS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mid-Valley Engineering, Inc. to provide engineering services for the design of the Briggsmore/McHenry intersection improvements project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th **day of** June **,** **19** 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratrore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-348

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SHELDON SPENCER FROM THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD, EFFECTIVE JUNE 15, 1993

WHEREAS, Sheldon Spencer was appointed a member of the Downtown Improvement District Advisory Board on August 6, 1991; and

WHEREAS, Sheldon Spencer has tendered his resignation from the Downtown Improvement District Advisory Board, effective June 15, 1993; and

WHEREAS, Sheldon Spencer has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Sheldon Spencer from the Downtown Improvement District Advisory Board be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Sheldon Spencer for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-349

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ADOPTION OF A RESOLUTION OF NECESSITY REGARDING THE ACQUISITION OF A PORTION OF THE DEL ESTE WATER COMPANY.

WHEREAS, on March 17, 1993, the City's Environmental Assessment Committee (EAC) conducted two initial studies to determine if the purchase of all or a portion of the assets of the Del Este Water Company might have a significant effect on the environment, and

WHEREAS, the two alternatives considered by the EAC were:

(a) Acquisition of that portion of the Del Este Water Company located within the City of Modesto and the City's Sphere of Influence and the construction of certain improvements to the existing Del Este system within the City's sphere (hereinafter referred to as Project Alternative A), and

(b) Acquisition of the Del Este Water Company in its entirety, and the construction of certain existing system improvements within the Sphere of Influence of the City of Modesto (hereinafter referred to as Project Alternative B), and

WHEREAS, the EAC recommended that draft negative declarations be prepared for both Project Alternative A and Project Alternative B, and

WHEREAS, the public review period for the draft negative declarations was March 26, 1993, through May 28, 1993, and

WHEREAS, during the public review period, the City received six comments on the draft negative declarations, and

WHEREAS, on June 9, 1993, the EAC met to consider and respond to such comments and as a result incorporated three matters recommended by Fire Marshal DeCavit into each project alternative, and

WHEREAS, on June 9, 1993, the EAC identified no long-term environmental impacts with either project alternative, and

WHEREAS, City staff thereafter recommended that the Modesto City Council proceed with Project Alternative A and proposed that on June 22, 1993, the Modesto City Council adopt a resolution determining that the public interest and necessity require the acquisition of a portion of the Del Este Water Company and directing the filing of eminent domain proceedings for the purpose,

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

SECTION 1. The City Council has reviewed and considered the negative declaration for Project Alternative A proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the

basis of the information contained in the proposed negative declaration and the staff report attached hereto as Exhibits "A" and "B", respectively, that there is no substantial evidence that Project Alternative A will have a significant effect on the environment and hereby approves the proposed negative declaration for Project Alternative A. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning And Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

06/22/93--CA

93-30 A

CITY OF MODESTO

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL ASSESSMENT COMMITTEE
INITIAL STUDY AND FINDINGS

I. BACKGROUND

1. Name of Proponent: City of Modesto

2. Address and Phone Number of Proponent: Alice Tulloch, Deputy Public Works Director, (209) 577-5470, 1221 Sutter Avenue, Modesto, CA 95351.

3. Type of Project: Acquisition of Del Este Water Company; facilities within the City of Modesto and the City Sphere of Influence

4. Location: City of Modesto and its Sphere of Influence

5. Description of Proposed Project: The project is described as acquisition of the Del Este Water Company within the City of Modesto and the sphere of influence, and the construction of certain improvements to the existing Del Este system within the sphere. The improvements anticipated are needed to correct fire system deficiencies with respect to City standards. A minor number of pipelines must be replaced to provide fire flows in accordance with City standards. A moderate number of obsolete fire hydrants must be replaced, and some additional fire hydrants must be provided to meet City spacing standards.

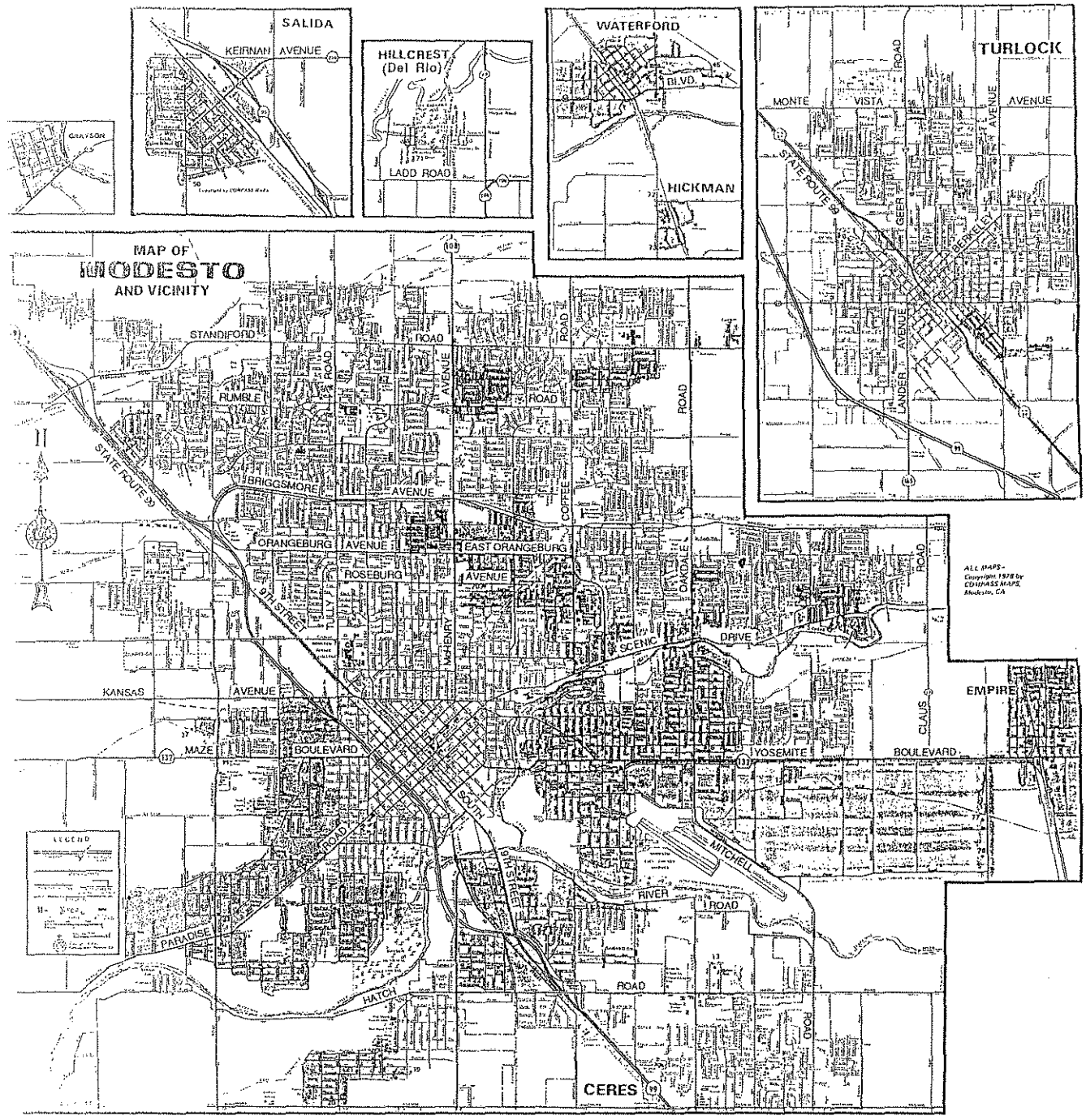
   The project does not anticipate expansion of the existing Del Este system or its service territory beyond the area shown in Figure 1.

6. Discretionary Permit(s) Requested: None

II. ENVIRONMENTAL IMPACTS AND DISCUSSION WITH REQUIRED MITIGATION MEASURES AND MONITORING ACTIVITIES

A. EARTH Will the proposal result in:	YES	MAYBE	NO
1. Unstable earth conditions or in changes in geologic substructures?	___	_____	X
2. Disruptions, displacements, compaction or overcovering of soil?	___	_____	X
3. Change in topography or ground surface?	___	_____	X

Exhibit "A"



LEGEND

- Del Este Water Company Service Area Boundary
- Well

Figure 1.
Del Este Water Company Service Areas

4. The destruction, covering or modification of any unique geologic or physical features?	___	_____	X
5. Any increase in wind or water erosion of soils, either on or off the site?	___	_____	X
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mud slides, or ground failure?	___	_____	X

DISCUSSION: The proposed project would not cause significant environmental impacts as the shallow depth of excavations could not cause substantial alteration of the earth's surface. While limited shallow excavation may be necessary to upgrade any DEWC substandard infrastructure, trenching activity will take place under roadways and will be resurfaced within 48 hours. Such temporary construction effects within an urban or suburban area will not cause substantial disruptions, displacements, compaction or overcovering of soil, or contribute to erosion or geologic hazards.

The proposed water system improvements will require approximately three feet deep by two feet wide excavations to replace water mains and necessary service connections. Asphalt breaking and/or concrete cutting and trenching will be completed within the existing roadway right-of-way. The installation of water lines and necessary replacement of service connections will be targeted to only those lines requiring upgrade or repair. These trenches would be installed under existing paved or gravel roads. Excavated soils would be back-filled and compacted, and trenching areas repaved. The limited shallow excavations would take place within already disturbed soils.

Trenching may temporarily expose soils to erosion caused by rain or by broken water lines. As the process of trenching generally exposes excavated soils to the elements for one to two days, rain erosion potential is considered very low. Also, broken water lines are generally repaired or shut down by the city within several hours of detection, limiting soil erosion potential. The proposed project would not have a significant effect on the environment relating to soil erosion because soils will not be exposed for long periods of time to any potential erosion factors.

The City of Modesto Public Works Department's standard operating procedure avoids erosion and siltation of rivers and streams by two methods. Standing water encountered during trenching or repair may be pumped into the city's sanitary sewer system rather than storm drains. Or, standing water is allowed to seep into the ground over a period of hours or a day. By implementing these procedures, silty or muddy trench waters would not flow to surface waters through storm drains. Therefore, the proposed project would have no significant impacts relating to modification of rivers or streams.

The proposed project would not expose people to any significant geologic hazards because no major faults run through the City of Modesto. Minor disruptions of soil during trenching would not cause a risk of seismic failure, landslides, or mudslides. A broken water main, if left unrepaired for long periods of time, would have the potential to cause ground failure such as a sink hole. However, as any broken water main on the newly acquired DEWC system would be repaired or shut down by the city within several hours, ground failure is not expected to be a significant environmental impact.

B. AIR Will the proposal result in:	YES	MAYBE	NO
1. Substantial air emission or deterioration of ambient air quality?	___	_____	X
2. The creation of objectionable odors?	___	_____	X
3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	_____	X

DISCUSSION: No significant impact to air quality in the City of Modesto will occur because procedures will be followed to control dust particulates (known as PM_{10} for the purpose of the San Joaquin Valley Unified Air Pollution Control District). The project will require excavation of soil, which will result in the emission of ten micron particulate matter (PM_{10}), a non-attainment pollutant in the San Joaquin Valley Unified Air Pollution Control District. Excavation related PM_{10} emissions associated with the project would be temporary and localized. The operation of construction equipment would also contribute a negligible and temporary increment to the burden of criteria pollutants (ozone precursors and carbon monoxide) within the air basin. All construction equipment will meet California State emissions control standards as required by state law.

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances for the City of Modesto.

Watering. Areas of soil redistribution shall be watered down as necessary to trap fugitive dust and particulate during construction.

Wind. During periods of excessive wind speeds construction shall be temporarily suspended.

Covering. Disturbed areas shall be paved as soon as possible to reduce dust during construction activities. No excavation site shall be left uncovered for an extended period. Where an excavation site must remain uncovered over longer period rigorous monitoring shall be provided to maintain watering activities as needed to control PM_{10} emissions.

Conditions for Contractors. Each contractor shall be presented with a fugitive dust reduction plan at the time of hiring. Application of the above procedures shall be monitored by the City of Modesto Department of Public Works during daily site inspection of contractor activities.

The proposed project will not present a substantial source of odor because no waste water pipelines or any other potential source of odors will be disturbed. Diesel equipment can be a source of odors; however, such odors are not uncommon in urban and suburban areas. Equipment will be properly fitted with emissions control as required by State Law, and operation will be temporary and generally occur between the hours of 7:00 A.M. and 3:30 P.M.

The proposed project would not create thermal emissions of a magnitude sufficient to alter local or regional air movement, moisture content, temperature, or any climatological change.

C. WATER Will the proposal result in:	YES	MAYBE	NO
1. Changes in currents, or the course of direction of fresh water movements?	___	_____	X
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	_____	X
3. Alterations to the course of flow of flood waters?	___	_____	X
4. Change in the amount of surface water in any water body?	___	_____	X
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	_____	X
6. Alteration of the direction or rate of flow of ground waters?	___	_____	X
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	_____	X
8. Substantial reduction in the amount of public water supply?	___	_____	X
9. Exposure of people or property to water related hazards such as flooding?	___	_____	X

DISCUSSION: No significant environmental impacts relating to surface waters are anticipated because existing surface waters and ground water would not be substantially altered by the proposed project. Absorption rates, drainage patterns or surface runoff would not be affected because no additional impermeable surfaces would be created and construction will not permanently alter existing drainage patterns.

The proposed project would involve limited trenching for water main replacement, installation of fire hydrants and other necessary improvements to bring the DEWC facilities up to City of Modesto standards. No floodway would be disturbed and no river or creek drainage ways will be altered. The City of Modesto and areas served by the DEWC are not located in coastal areas subject to tidal wave damage.

The proposed project would also bring the existing DEWC systems into public domain, thereby linking the system with other public water systems and increasing the quality of water service (especially in relation to fire flows) available to the public. This can be considered a beneficial environmental impact.

No new well installation sites are proposed with this project. Existing wells and pumping rates of both the DEWC and the City of Modesto contribute to overdraft of groundwater supplies, as do most groundwater wells in the Central Valley. Therefore, as a result of the proposed project, ground water flow would not be altered.

D. PLANT LIFE Will the proposal result in:	YES	MAYBE	NO
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	_____	X
2. Reduction of the number of any unique, rare or endangered species of plants?	___	_____	X
3. Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?	___	_____	X
4. Reduction in acreage of any agricultural crop?	___	_____	X

DISCUSSION: There would not be a significant effect on the diversity of species, or number of any species of plants from the proposed project. The proposed improvements to the DEWC system will be constructed under roadways and in the roadway right-of-way; these locations are within urban and suburban areas and do not provide habitat for rare or endangered plant species.

According to the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November, 1974), there are no known occurrences of rare, threatened or endangered plant species within the DEWC service area. The DEWC service areas are established communities and construction work will be limited to existing roadways and above ground facilities.

E. ANIMAL LIFE Will the proposal result in:	YES	MAYBE	NO
1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shell-fish, benthic organisms or insects)?	___	_____	X
2. Reduction of the numbers of any unique, rare or endangered species of animals?	___	_____	X
3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?	___	_____	X
4. Deterioration to existing fish or wildlife habitat?	___	_____	X

DISCUSSION: There would not be a significant change in diversity of species, or number of any species of animals from the proposed project. The acquisition of the DEWC would not have any tangible effect on existing habitat for animal life. Construction activities will be limited to already urbanized or disturbed areas and will not affect native vegetation, wildlife habitat, or obstruct wildlife corridors.

According to the Department of Fish and Game Natural Diversity Data Base for the City of Modesto U.S. Geologic Survey Quadrangles: Salida, Brush Lake, Riverbank, and Ceres (1992) and the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November 1974) for the entire county, there are no known occurrences of rare, threatened or endangered animal species within the DEWC service area. In addition, the proposed project has no relation to the introduction of new animal species.

F. NOISE Will the proposal result in significant:	YES	MAYBE	NO
1. Increases in existing noise levels?	___	X	___
2. Exposure of people to severe noise levels?	___	X	___
3. Will the project require noise abatement measures?	___	X	___
4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?	___	X	___

DISCUSSION: No significant impacts related to noise emissions will result from the proposed project. Noise impacts are anticipated to be of short duration.

Some temporary high noise level impacts will be generated as a result of construction operations. Excavation for water line improvements will require the use of heavy equipment including backhoes, cement saws, jack hammers, heavy trucks, and miscellaneous machinery such as pumps and generators. Backhoes and jackhammers have a sound emission level of approximately 75 dBA, at a distance of 50 feet. The cement saws have a sound level emission level of 80 dBA at a distance of 50 feet (Harris C.M. Editor Handbook of Noise Control, Second Edition, 1979).

Sound measurements taken by CERTIFIED/Earth Metrics at various locations in the City of Modesto indicate sound levels along arterial roadways are typically 70 dBA (sound level measurements were conducted in 1992-93 for the General Plan Update). This measurement applies at a distance of 50 feet from the centerline of the roadway, and is a daytime equivalent energy level (Leq). Leq is the level of a steady noise which has the same sound energy as a given time-varying noise. Secondary roadways, or residential locations, have a sound level of 60 dBA or less for a daytime equivalent level.

Construction noise levels will be approximately 5 to 10 dBA higher than ambient noise levels in the city and will be readily noticeable. Noise effects are temporary at any given location and are not expected to occur in a single location for more that two consecutive days. The following City Code requirements will reduce temporary noise effects to less-than-significant levels:

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances of the City of Modesto.

Muffling of Equipment. All construction vehicles and equipment shall be muffled in accordance with State and Federal regulations. California Noise Standards for Delivery Motor Vehicles shall be met.

Construction Hours. Construction operations shall be limited to those hours less likely to disturb city residents. In addition, evening and weekend work may be approved by the City of Modesto Department of Public Works in order to avoid disturbing school sites or other sensitive receptor sites. The Public Works Department shall monitor work start and stop times through contract specifications and periodic field checks.

Public Noise. As is consistent with regular Public Works Department procedures, neighboring homeowners, businesses, and institutions shall be notified of work times at least 48 hours in advance of scheduled construction activity. The Public Works Department shall ensure that such notice is effected. Public notice requirements may not be feasible in case of emergency such as repairing broken water mains.

		YES	MAYBE	NO
G.	LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents?	___	_____	X

DISCUSSION: No significant impacts will result from additional light or nuisance glare as a result of the proposed project. The project does not include substantial alteration to above ground facilities and equipment.

		YES	MAYBE	NO
H.	LAND USE Will the proposal result in a substantive alternation of the present or planned land use of an area?	___	_____	X

DISCUSSION: Land use designations in communities are largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area, nor do they include oversizing mainlines to provide future extension to unserved areas.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resources?	YES	MAYBE	NO
	___	_____	X

DISCUSSION: Natural resources include ground water, minerals, timber and other biotic materials. The Del Este System provides ground water to users and thus has a potential to affect ground water supplies. However, no significant effects will result to ground water or other natural resources as the proposed project is limited to acquisition of the existing water facility. There is no proposal to expand the service area or increase the consumption of existing water users. No new well installations are anticipated at this time. The City of Modesto is planning to make improvements to contaminated wells and the use of surface water to avoid the need for additional wells.

J. RISK OF UPSET will the proposal involve:	YES	MAYBE	NO
1. A risk of an explosion or the release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	X	___
2. Possible interference with an emergency response plan or an emergency evacuation plan?	___	_____	X

DISCUSSION: The proposed project would not cause significant environmental impacts relating to emergency response plans or evacuation plans. Standard operating procedures adhered to by the City of Modesto Public Works Department will avoid potential effects to emergency access routes. In addition, mitigation and monitoring measures discussed here shall be adopted to avoid the exposure of workers to hazardous materials.

Any infrastructure improvement work that could result in substantial traffic congestion or limit access to key facilities (i.e. police stations, fire stations, and hospitals) presents the potential to interfere with emergency response plans or emergency evacuation plans in the event of a catastrophic incident. The City of Modesto Public Works Department standard operating procedures require that adequate emergency access be maintained for all public works projects as per the current CALTRANS Manual of Traffic Control. Therefore, impacts to emergency response routes are expected to be minimal as a result of project implementation.

Trenching necessitated by the proposed project would potentially involve the excavation of soils contaminated from hazardous material release incidents or excavation of contaminated road fill. Exposure of trenching and pipe-laying

workers to hazardous materials can be considered a potentially significant environmental impact.

No mitigation measures are necessary because the following procedures are considered to be standard operating procedures for the City of Modesto.

Regulatory List Search. Prior to trenching and pipe-laying adjacent to commercial and industrial land uses or in areas of known soil contamination, a limited regulatory list search shall be performed under the supervision of the City of Modesto Public Works Department. The list search shall include a search for hazardous material release incidents within 1/4 mile of proposed trenching areas. The following regulatory lists shall be consulted: U.S. EPA National Priorities List (SUPERFUND); Comprehensive Environmental Response, Compensation and Liability Information System list (CERCLIS):

Incident List Search. Leaking Underground Storage Tank Incident Reports (LUST); Emergency Response Notification System list; Hazardous Materials Incident Report System list; Toxic Release Inventory System list; California EPA CALSITES list; and California Hazardous Material Incident Report System list.

Construction Period Procedures. If hazardous material release incident sites are identified within 1/4 mile of proposed trenching locations, then the City of Modesto Public Works Department shall supervise the review of available files to determine the likelihood of soil contamination being present in proposed trenching locations. If there is a reasonable likelihood that soil contamination may be present in a proposed trenching location, then a soil sampling and laboratory testing program shall be performed in proposed excavation areas. If laboratory testing of soil samples indicate that soil contamination is present in excavation locations, then the City of Modesto Public Works Department shall ensure that appropriate precautions to protect workers and the general public are implemented. The City of Modesto Public Works Department shall monitor all appropriate list searches, literature searches, and soil testing prior to initiation excavation.

	YES	MAYBE	NO
K. POPULATION Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	___	_____	X

DISCUSSION: No significant change in population or housing will result from the acquisition of the DEWC. The DEWC serves the established communities of Modesto, Grayson, Salida, Hillcrest, Waterford, Hickman, Turlock, del Rio, and Ceres. The proposed project seeks acquisition of only that portion of the DEWC within the City of Modesto and the City's sphere of influence.

Population growth in communities is largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area,

nor do they include oversizing mainlines to provide future extension to unserved areas.

L. HOUSING Will the proposal affect existing housing or create a demand for additional housing?	YES	MAYBE	NO
	___	_____	X

DISCUSSION: There will be no significant effects to existing housing or the demand for housing. As discussed under POPULATION, the proposed acquisition of the DEWC is for the purpose of continuing service to the City of Modesto and those areas within the City's sphere of influence. The acquisition would implement the Engineering improvements as described by Boyle Engineering in Volume 1 of the Water System Evaluation, 1991, as updated (1993).

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	YES	MAYBE	NO
1. Generation of substantial additional vehicular movement?	___	_____	X
2. Effects on existing parking facilities, or demand for new parking?	___	_____	X
3. Substantial impact upon existing transportation systems?	___	_____	X
4. Alterations to present patterns of circulation or movement of people and/or goods?	___	_____	X
5. Alterations to rail or air traffic?	___	_____	X
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	___	X	___

DISCUSSION: The proposed project would not cause significant long-term adverse impacts to the city's transportation system. During construction activities there will be temporary alteration of traffic patterns; however, signage and other warning signals will alert traffic to avoid the area if possible. Traffic forced to travel through the construction area may be slowed for a block or two as the construction area is negotiated. These temporary impediments to traffic are not considered to be significant.

Acquisition of the DEWC will not increase commute traffic from additional employees or generate substantial new vehicle trips in any neighborhood for any length of time. Additional traffic trips will be related to construction traffic. The location and time of construction traffic will depend on the need to replace water lines or perform other work on existing DEWC facilities. Construction traffic will be temporary and work related trips generally take

place prior to 7:00 A.M. and after 3:30 P.M. but before 4:30 P.M. This traffic pattern avoids conflicts with evening peak hour traffic patterns between 4:30 and 6:30 P.M.

No new parking facilities will be required as no permanent structures or housing for new employees is contemplated. Existing street parking may be temporarily disrupted during construction periods; however, these parking obstruction are expected to last less than 24 hours in driveways or access points. Access to existing parking structures is not expected to be blocked during construction. The Public Works Department seeks to maintain access to existing parking areas throughout the construction period.

Disruptions of traffic flow are considered minimal and temporary. Traffic circulation will be temporarily disrupted during the replacement or modification of water lines under roadways. The City of Modesto Public Works Department follows the CALTRANS Manual of Traffic Control during construction activities along or in roadways. Safety procedures include signage, barricades, cones, and a flag person if necessary. These procedures are considered routine for any roadwork to be completed in the city.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:	YES	MAYBE	NO
1. Fire protection?	___	_____	X
2. Police protection?	___	_____	X
3. Schools?	___	_____	X
4. Parks or other recreational facilities?	___	_____	X
5. Maintenance of public facilities, including roads?	___	X	___
6. Other governmental services?	___	_____	X

DISCUSSION: No city services or public utilities will be adversely affected by the proposed acquisition of the DEWC.

The Fire Department will be notified of all temporary interruptions of water service. All efforts will be taken to avoid blocking any one street entirely. At intersections work will be completed for one lane, the trench filled, and then the work will begin on the other lane. This method will avoid closing the street to emergency and intermittent traffic.

If necessary, emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.

The Stanislaus County Fire Marshal shall be contacted 48 hours in advance of any construction work that will interrupt water service to fire hydrants in the unincorporated County. Early notice of service interruption will allow the County Fire Department to dispatch water tanker trucks as necessary. Emergency services, such as broken water mains, are known to be unforeseen; emergency water service events should be reported to the Fire Marshal as soon as possible.

No fire hydrant in the unincorporated county area shall be kept out of service for more than 8 hours at a time. If an interruption of service will be necessary for more than 8 hours, written notice shall be supplied to the County Fire Marshal explaining the need for service interruption and the expected duration of the service interruption. Additional water tankers or water storage will be made available on site by the City if requested by the County Fire Marshal.

Service shall not be interrupted to more than one fire hydrant in a series in the unincorporated County Area at any one time. Where interruption of service to more than one hydrant is required, the County Fire Marshal shall be contacted 48 hours in advance. In such an instance the City of Modesto shall provide additional on site water storage or other fire prevention measures as requested by the County Fire Marshal.

Emergency police access will be maintained for all neighborhoods by keeping at least one lane of each street open at all times. Local police departments will be notified of the location of street and roadway excavation. Notice will allow police services to monitor traffic in the location where congestion may occur.

School activities will not be disrupted. Where construction activities require the interruption of water services to school facilities, arrangements will be made to conduct the work at night, on the weekend, or during a time period when school is not in session. These procedures are considered normal for city services and maintenance in the City of Modesto.

Construction activities will be confined to roadways and existing DEWC facilities and will not traverse parks or other recreation facilities. Construction may require a temporary interruption of water service to a park; however, the interruption of service would not be expected to continue for more than 24 hours and would not significantly affect public access or use of park facilities.

Construction activities will require the excavation of existing roadways. All excavation of roadways will require complete restoration of the disturbed road surface to the City of Modesto Public Works Department standards. Similar construction activities are conducted throughout the City of Modesto on a regular basis for the maintenance of sewer lines, water lines, and other public services.

Water services will be improved (with new water mains, fire hydrants, and pump improvements) in the long-term by the improvement of fire flows. Temporary interruptions of service will be required where the replacement or repair of

6. Solid waste disposal?	___	_____	X
7. Substantial amounts of fuel or energy?	___	_____	X

DISCUSSION: The proposed project would not cause significant environmental impacts relating to new or substantial alteration of existing utilities. The proposed project calls for the acquisition and improvement of an existing utility. No expansion of water service is proposed; therefore, no growth inducing impacts which would cause the need for new utility systems are anticipated.

The City of Modesto Public Works Department's standard operating procedure for subsurface work is to search and mark other underground utilities in proposed excavation areas. These procedures will ensure minimal disturbance or other substantial alteration of utilities. Therefore, no impacts associated with altering utilities are anticipated.

The proposed project would have a beneficial effect on water service in the greater Modesto area. The project would merge the Modesto area DEWC systems with the existing City of Modesto water system. Since the required system would be maintained according to City of Modesto standards, no adverse impacts to utilities are anticipated.

No significant environmental impacts relating to storm water drainage facilities are anticipated because no alteration of drainage patterns would result by implementing the proposed project. Any project-related improvements would not affect the city's solid waste disposal system.

The proposed project would include improvements to existing pump stations, and would not require any additional energy to operate modified pumps as compared to existing pumps. Operation of construction equipment would require a small and unsubstantial amount of fuel usage. Construction activities are comparable to the construction required to maintain an existing underground water delivery system.

P. HUMAN HEALTH Will the proposal result in:	YES	MAYBE	NO
1. Creation of any health hazard or potential health hazard (excluding mental health)?	___	_____	X
2. Exposure of people to potential health hazards?	___	_____	X

DISCUSSION: No significant health hazards would result from project implementation. The proposed project would merge the DEWC water system with the existing City of Modesto water system. Since the acquired systems would meet or exceed the Safe Drinking Water Act water quality standards, City of Modesto Fire Department fire flow standards, and City or Modesto Public Works Department standards, no significant impacts would be anticipated.

Q. AESTHETICS	YES	MAYBE	NO
Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	___	_____	X

DISCUSSION: No significant aesthetic affects will result from the proposed project. Water lines are located below ground and therefore will not block any scenic views. Improvements to existing pump stations may be constructed above ground but will be within existing structures or enclosures. The City of Modesto Public Works Department routinely provides landscaping and other screening to minimize the visual effect of above ground improvements. Therefore, no significant impacts are anticipated.

R. CULTURAL RESOURCES	YES	MAYBE	NO
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	_____	X
2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object.	___	_____	X
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	_____	X
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	_____	X

DISCUSSION: No impacts will result to historical or archaeological resources. Construction work will be conducted in urban areas and on sites already disturbed by construction. Water lines are to be placed under paved or gravel roadways. Existing roadways are generally disturbed areas where potential archaeological sites have already been disturbed. Modifications to pumps will also be constructed on sites that are already developed, thus the potential site has already been disturbed.

No construction activity is identified to take place near a known historic structure or religious location. Construction will take place along existing water lines and at existing water pump stations.

S. MANDATORY FINDINGS OF SIGNIFICANCE	YES	MAYBE	NO
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory?	___	_____	X

No. According to review of the California State Department of Fish and Game Natural Diversity Data Base for the City of Modesto (1992) and the Stanislaus Area Association of Governments Wildlife and Vegetation Element no habitat for rare, endangered, or candidate species will be disturbed. Areas to be disturbed are existing roadway right-of-way.

2. Does the project have the potential to achieve short term environmental goals, to the disadvantage of long-term, environmental goals?	___	_____	X

No. The short-term effects related to construction are minimal. Construction will be of a magnitude comparable to existing maintenance efforts conducted by the City of Modesto on an ongoing basis.

3. Does the project have impacts which are individually limited, but cumulatively considerable?	___	_____	X

No. The responses to the questions in this checklist document the limited effects that are anticipated as a result of the proposed project. Of the anticipated effects that can be considered significant, mitigation measures are provided that will reduce significant impacts to less-than-significant levels. No substantial residual effects are anticipated in any area of study in this document.

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	___	_____	X

No. This document cites those areas of concern such as noise and dust emissions that could adversely affect human beings. This report also cites mitigation measures that will effectively reduce adverse effects to less-than-significant levels. As stated previously in this report, the proposed project would bring existing water service district under the ownership of the City of Modesto. The magnitude of construction activities is expected to be similar to the requirements of maintaining the existing City of Modesto water services.

T. RECOMMENDED CONDITIONS OF APPROVAL

1. See attached memos:

   Environmental Determination

REFERENCES ATTACHED.

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation: (circle one)

We find that the proposed project WILL NOT have a significant effect on the environment and conclude with a:	NEGATIVE DECLARATION
(Note Definition of Negative Declaration per CEQA Guidelines provided below.)	
We find that although the proposed project could have a significant effect in this case because the MITIGATION MEASURES described on the attached sheet(s) have been added to the project. We conclude with a:	MITIGATED NEGATIVE DECLARATION
We find the proposed project MAY have a significant effect on the environment as noted in this Initial Study, and an Environmental Impact is required.	ENVIRONMENTAL IMPACT REPORT

Negative Declaration Defined. The California Environmental Quality Act (CEQA Section 15371) defines a "Negative Declaration" as a written statement by the Lead Agency (the City of Modesto) briefly describing the reasons that a proposed project will not have a significant effect on the environment. Therefore, the project does not require the preparation of an "Environmental Impact Report."

The contents of a Negative Declaration are defined by CEQA Section 15071:

(a) A brief description of the project, including a commonly used name for the project, if any (see Section I);

(b) The location of the project, preferably shown on a map, and the name of the project proponent (see Figure 1);

(c) A proposed finding that the project will not have a significant effect on the environment (see Environmental Determination);

(d) An attached copy of the Initial Study documenting reasons to support the finding (see Section II); and

(e) Mitigation measures, if any, included in the project to avoid potentially significant effects (see Section II).

CITY OF MODESTO ENVIRONMENTAL ASSESSMENT COMMITTEE:

Patrick Foran, Assistant Director of Parks and Recreation, Chairman

William Nichols, Planning and Community Development Director

Joseph Holland, Transportation Planner

~~Laury Dowd~~ Roland Stevens, Senior Deputy City Attorney

Keith Munroe, Department of Environmental Resources

Date: 6/9/92

REFERENCES

Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November 1974).

Boyle Engineering, Water System Evaluation and Preliminary Engineering Report for the Del Este Water Company Facilities (November 1991) (updated 1993).

Harris, C.M., Editor, Handbook of Noise Control, Second Edition (1979).

U.S. Geological Survey Quadrangles: Salida, Brush Lake, Riverbank, and Ceres, Natural Diversity Data Base (1992).

ATTACHMENT TO NEGATIVE DECLARATION

At the meeting of the Environmental Assessment Committee on June 9, 1993, Alice Tulloch, Deputy Director of Public Works and Transportation, responded orally to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993. Her comments were considered by the Environmental Assessment Committee but were not reduced to writing at that time. The purpose of this attachment is to summarize those comments and indicate where they should be incorporated into the checklist discussion.

1. The following should be added to the discussion after paragraph S.2. on page 16:

> "In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. An additional aspect of the potential to impede the achievement of long-term environmental goals is concerned with the economic and related physical consequences of acquiring part of the Del Este Water Company assets. A study of the economic aspects of the partial acquisition of Del Este Water Company systems has not revealed any significant economic impacts.
>
> The City's evaluation consultant has found that outlying systems (the systems that would not be acquired) are hydraulically independent, with one minor exception. The exception is system 0016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99, which is crossed by a single pipe. Each area has its own wells, and can function separately.
>
> Since the outlying areas are hydraulically independent, the consultant also evaluated the economic feasibility of the outlying systems. Based on the consultant's experience, small systems serving 700 to 800 connections can be economically viable. The outlying systems of Del Este Water Company serve approximately 5,600 connections (estimated 22,000 population) in six communities. Experience indicates that small systems such as these can and are being economically operated by water purveyors. Economies of scale would be little affected in serving the same outlying areas that are served now. Del Este or its successor would continue to operate and maintain the systems to provide safe drinking water to these customers. In regulating

private water companies, the California Public Utilities Commission ensures that user rates are set to allow such systems to be safely and economically operated while still making a reasonable rate of return for the investors. Del Este can seek a rate increase if one is necessary following acquisition of part of its systems.

Since no known economic impacts would result from the project which would acquire that part of the Del Este Water Company within the City and its sphere of influence, no physical impacts will result from economic impacts."

2. The following should be added to the discussion after paragraph S.3. on page 16:

"In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. Since Del Este Water Company systems can be separated from those systems that are outside the City and its sphere of influence, no piecemeal acquisition of the Del Este Water Company systems would result. Simple acquisition is intended with minor improvements for deficient fire flows".

3. The following should be added to the discussion after paragraph H on page 8:

"In response from a letter received from Nossaman, Guthner, Know & Elliott on May 11, 1993, the following information is provided. No expansion of the Del Este Water Company facilities is anticipated in the acquisition of Del Este's systems within the City and its sphere of influence; therefore, no growth inducing impacts would result from the acquisition of Del Este Water Company systems. Acquisition within the City and its sphere of influence will not result in changed growth patterns because the project does not include expansion of existing systems to areas not now served by Del Este."

WILLIAM S. NICHOLS
Planning And Community Development Director

STATE OF CALIFORNIA PETE WILSON, Governor

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

May 26, 1993

ALICE TULLOCH
CITY OF MODESTO
801 11TH STREET
MODESTO, CA 95353

Subject: DEL ESTATE
SCH # 93042078

Dear ALICE TULLOCH:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Russell Colliau at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

Christine Kinna

Christine Kinna
Acting Deputy Director, Permit Assistance

Stanislaus COUNTY FIRE Department

Stanislaus County Fire Safety Department
929 Oakdale Road
Modesto, California 95355
Phone (209) 525-4650
Russell D. Richards III, Fire Warden

March 26, 1993

William S. Nichols
Planning Director
City of Modesto
P.O. Box 642
Modesto, CA 95353

Re: Acquisition of Del Este Water Company

Dear Mr. Nichols:

The fire service in the unincorporated areas of Stanislaus County, as well as the small cities served by the Del Este system are eagerly awaiting the improvement of the existing fire flows as many areas are inadequate.

The fire service would like to be consulted on the areas needing improvement and to have the work scheduled so as not to put the old hydrants out of service until the new ones are on line. The statement in Section #8 of the initial study and findings stating, (Emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.) is not acceptable as in many of the areas, hydrant spacing is such as to prohibit this and the amount of water carried on a truck is inadequate to fight a large fire. A engine that carries 500 - 1,000 gallons of water would only provide an adequate flow for one or two minutes where as the hydrant would have an unlimited supply.

The fire service requests a strong effort be made to minimize the time an area will be subject to a water shortage.

Thank you for your consideration.

Sincerely,

Howard DeCavit
Fire Marshal

cc: David Dolenar, Chief Executive Office

CHIEF EXECUTIVE OFFICER

1100 H Street, P.O. Box 3404, Modesto, California 95353

(209) 525-6333
FAX (209) 544-6226

REAGAN M. WILSON

May 26, 1993

Mr. Allen Short
Department of Planning and
Community Development
City of Modesto
P. O. Box 642
Modesto, California 95353

RE: TERMINAL RESERVOIR AND PUMP STATION, LOCATED NEAR GOMES ROAD

Dear Mr. Short:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. The Committee's primary comment at this time is that applicable air quality control requirements be complied with to mitigate air impacts.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

David L. Dolenar
Deputy Executive Officer
Environmental Review Committee

DLD:sbw
cc: Board of Supervisors
Reagan M. Wilson, Chief Executive Officer
ERC Members

MID Modesto Irrigation District
Water and Power

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

April 27, 1993

City of Modesto
Modesto Planning Department
P.O. Box 642
Modesto, CA 95353

RE: City of Modesto Acquisition of Del Este Water Company
Proposed Negative Declaration

Modesto Planning Department:

The Modesto Irrigation District has the following comments concerning the above referenced subject.

ELECTRICAL

The acquisition of Del Este Water Company by the City of Modesto has no direct effect on the District's existing electrical facilities, therefore no comments are required at this time.

IRRIGATION

The Irrigation Operations Division of the Modesto Irrigation District has no comment at this time.

If you have any questions, my number is 526-7448.

Sincerely,

Karleen Ashby
General Services Analyst

Attachments

xc: file

DEPARTMENT OF SOCIAL SERVICES

P.O. Box 42, Modesto, CA 95353-0042
FAX (209) 525-6847

ACCREDITED
CHILD WELFARE SERVICES

FAX NUMBER (209) 525-6847

April 23, 1993

Alice Tulloch, Deputy Public Works Director
City of Modesto
Planning and Community Development
PO Box 642
Modesto, CA 95353

Subject: Environmental Review Comments

Project Title: Notice of Proposed Negative Declaration - Acquisition of Del Este Water Company

Based on this agency's particular fields of expertise, our position on the project described above is:

- No comments

Response prepared by:

John Turner
Program Manager II
(209) 525-6639

JT/ok

cc: Stanislaus County Planning and Community Development Department

LAW OFFICES
NOSSAMAN, GUTHNER, KNOX & ELLIOTT
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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(1900-1964)

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May 11, 1993

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SACRAMENTO, CA 95814-3701
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REFER TO FILE NUMBER
030669-001

By Fax (209) 544-8260

Michael D. Milich, Esq.
City Attorney
City of Modesto
801 11th Street
P.O. Box 642
Modesto, California 95353

Re: Acquisition of Del Este Water Company
By City of Modesto

Dear Mr. Milich:

This firm represents the interests of Del Este Water Company and California Water Service Company. This letter is sent with regard to the proposed acquisition of Del Este Water Company by the City of Modesto, and in particular with regard to the environmental consequences of such acquisition.

It is our understanding that the City is considering acquiring either all Del Este assets and facilities or, in the alternative, acquiring just those Del Este assets and facilities located in the City of Modesto. In either event, the City is apparently contemplating adopting a Negative Declaration under the California Environmental Quality Act ("CEQA") with respect to the acquisition. We believe that a Negative Declaration will not be sufficient to meet the requirements of CEQA. We understand that the Council has not yet acted on this matter.

CEQA requires that an Environmental Impact Report ("EIR") be prepared whenever there is a fair argument that significant impacts on the environment may occur. (Pub. Resources Code, § 21080(c), CEQA Guidelines, § 15070(a), No Oil, Inc. v. City of Los Angeles (1975) 13 Cal.3d 68, 75, Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988, 1000-1003.) With respect to either of the alternatives being considered, there are serious potential environmental impacts which the City has apparently not considered.

The facilities of Del Este extend well beyond the city limits of the City of Modesto and serve unincorporated areas outside of the City. If the City severs the existing system by acquiring only the assets and facilities located within the City, there is a substantial question as to whether the remaining system could continue to be operated to serve those unincorporated areas. Del Este may not be able to continue such service and there is a substantial question as to whether some other company would be able and willing to take over and operate that remnant of the system. There is no indication that the City has considered the potential impact on those unincorporated areas of splitting the Del Este system as the City is considering doing. Such effects must be given consideration and may require the preparation of an EIR. (CEQA Guidelines, § 15131, Friends of Mammoth v. Board of Supervisors of Mono (1972) 8 Cal.3d 247, Citizens Association for Sensible Development of Bishop Area v. Inyo (1985) 172 Cal.App.3d 151.)

If the City acquires all of the assets and facilities of Del Este, it removes an impediment to expansion and such acquisition may well have a growth inducing impact. Growth inducing impacts must be discussed in an EIR. (Pub. Resources Code, § 21100(g), CEQA Guidelines, § 15126(g).) This is particularly the case if the City contemplates this acquisition as part of a plan to expand its sphere of influence. As such, the environmental impact of those plans must be analyzed.

CEQA requires that environmental review take place as early as possible in the planning process, so that governmental entities and the citizenry may make informed decisions about whether or not to pursue a project or to maintain the status quo. (Fullerton Joint Union High School Dist. v. State Board of Education (1982) 32 Cal.3d 779, 797 (quoting No Oil, Inc. v. City of Los Angeles (1977) 13 Cal.3d 68, 77 n.5).) Where the approval at issue is a necessary step in a chain of events culminating in a physical impact, an EIR is required, even if no specific physical impact will immediately follow. (City of Livermore v. Local Agency Formation Comm'n (1986) 183 Cal.App.3d 861 (revision of sphere of influence guidelines requires EIR since changed growth patterns will result); Citizens' Assn. for Sensible Development of Bishop v. County of Inyo (1985) 172 Cal.App.3d 151, 164-173 (project approval improper where board of

supervisors divided proposed shopping center into two separate projects and made negative declaration as to each one); Bozung v. Local Agency Formation Comm'n (1975) 13 Cal.3d 263, 277-279 (EIR required prior to annexation).) Moreover, it is expressly improper to fail to prepare an EIR at the earliest opportunity in the planning process even where the specific projects contemplated by the plan will be the subject of individual EIRs. (Rosenthal v. Board of Supervisors (1975) 44 Cal.App.3d 815, 822.)

> "If an individual project is a component of a larger, ultimate project (a 'multiple' or 'phased' project), and is a necessary precedent for action on the larger project, the ultimate project must be described and analyzed in the EIR." (Laurel Heights Improvement Assn. v. Regents of Univ. of California (1987) 193 Cal.App.3d 467, 477.)

Moreover, it is expressly improper to "piecemeal" a project:

> ". . . CEQA mandates '. . . that environmental considerations do not become submerged by chopping a large project into many little ones - each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences.' (Bozung v. Local Agency Formation Com., [(1975) 13 Cal.3d 263], at pp. 283-284." (Citizens Assn. for Sensible Development of Bishop, supra, 172 Cal.App.3d 151, 165.)

In light of the foregoing considerations, we believe that a Negative Declaration would be insufficient to meet the requirements of CEQA with respect to the proposed acquisition. We urge the City to act accordingly.

Very truly yours,

John Ossiff
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT

030669.001\MILICH2.305

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 6/22/93

June 18, 1993

TO: Mayor and City Council

THROUGH: J. Edward Tewes, City Manager
R. Marshall Elizer, Jr., Director of Public Works & Transportation

FROM: Alice Tulloch, Deputy Director of Public Works & Transportation

SUBJECT: **Potential Acquisition of Del Este Water Co. Systems**

RECOMMENDED ACTION

1. Adoption of a resolution certifying review of Environmental Assessment, approving the proposed Negative Declaration, and directing a Notice of Determination of the environmental impact relating to the adoption of a Resolution of Necessity regarding the acquisition of a portion of the Del Este Water.

2. Adoption of a Resolution of Necessity regarding the acquisition of that part of the Del Este Water Co. within City limits and the City's sphere of influence.

BACKGROUND

Del Este Water Company (Del Este) is a privately owned public utility engaged in the business of supplying and distributing water for domestic and industrial purposes to approximately 13,100 customers in Modesto and 5600 customers in several nearby communities (including portions of the communities of Ceres, Del Rio, Empire, Grayson, Hillcrest, Hickman, Salida, Turlock, and Waterford) in incorporated and unincorporated areas of Stanislaus County. Del Este operates 18 systems which are identified by Del Este and the Department of Health Services (DHS) by independent numbering. Del Este is regulated by the California Public Utilities Commission (CPUC) with the exception of water quality which is regulated by DHS. Del Este obtains water from groundwater wells. Each of its 18 systems is served by two or more wells. With one exception, the 18 systems are hydraulically independent. The systems contain approximately 1.2 million

Exhibit "B"

feet of pipe and approximately 65 active wells. Attachment 1 is a map of the Del Este Water Company systems areas.

The City of Modesto supplies water for domestic and industrial purposes to approximately 44,000 customers within the City limits. The City system has developed through acquisition of small, private water companies and construction of new facilities. The City system obtains water from groundwater wells. The City provides water to the areas surrounding the Del Este systems within the City and its sphere of influence.

Because the City is the water provider to areas surrounding the Del Este systems within the city limits and its sphere of influence, the City approached Del Este in 1989 to discuss an agreement for purchase by the City of Del Este, the last remaining private water company in Modesto. Del Este indicated at that time that it was not interested in selling its systems. Thereafter, in 1990, Del Este indicated a willingness to enter into discussions with the City to sell the entire system to the City. At this stage, the City conducted extensive engineering and financial studies to assess the benefits and costs of such a sale. After a number of discussions, in early 1992 the City initially made an offer to Del Este to purchase the entire system for $8.8 Million. That offer was subsequently increased to $9,389,000. Del Este rejected the City's offer advising the City that the value of its 18 systems was worth as much as $26.5 Million. No agreement was reached.

In August 1992, the City, Del Este and the Modesto Irrigation District (MID) entered into a Treatment and Delivery Agreement for a Drinking Water Project. Del Este was unable to obtain security for its financial commitment under the Treatment and Delivery Agreement and subsequently entered into a separate agreement in September 1992, whereby MID agreed to accept substitute security in the form of a rate surcharge. The rate surcharge requires CPUC approval which is pending.

Shortly thereafter, Del Este entered into an agreement dated November 20, 1992, to sell its entire water system to another private water company, California Water Service Company (CWSC) for consideration having a value of approximately $9.07 million. The sale requires approval of the CPUC which has not yet been obtained. The City has filed a protest in the CPUC proceeding to assure that several issues of concern to Modesto residents served by Del Este are addressed if the sale is approved. These issues are: (1) continued participation in the MID Drinking Water Project, (2) continued participation in a lawsuit jointly brought by the City and Del Este for damages due to contamination of drinking water from DBCP/EDB, (3) improvements in fire flows and pressures, and (4) renewal of the city franchise.

The City Council has directed staff to evaluate the feasibility and potential public benefits of the City acquiring all or part of Del Este. Staff has evaluated the benefits of acquiring all of Del Este's systems or only those systems within the City and its sphere of influence. Based on the in-depth financial and engineering evaluations, staff recommends that it is in the best interest of the community for the City to pursue acquisition of those Del Este systems within the City and the City's sphere.

RATE COMPARISON

Historically, Modesto's rates have been less than Del Este's rates for providing comparable service to similar customers. Attachment 2 is a chart of single family residential rates, both historic and estimated future rates, showing the differences in rates assuming no City acquisition. This comparison shows that Del Este's rates are expected to increase by 200% by 1995 to approximately $40 per month, when treated surface water is available from MID through the Treatment and Delivery Agreement. This projection of Del Este rates is based on information obtained from Del Este officials in April 1993 and Del Este documents filed with the CPUC in March 1991.

Attachment 3 shows the actual and estimated rates for a typical large industrial customer located in the Beard tract. As with residential rates, Del Este's rates for industrial users are expected to be substantially higher than the City's rates by 1995, based on the anticipated 200% rate increase.

Attachments 2 and 3 show that the rates charged by Del Este are projected to be higher than City rates for both residential and industrial customers. Staff attributes the higher rates in the Del Este service area to several factors:

1. The CPUC allows private water companies to earn a profit of up to 11.5%, whereas the City only recovers the actual cost of water service delivery.

2. Del Este pays taxes whereas the City does not;

3. Del Este cannot obtain tax-exempt interest rates when borrowing money for capital improvements whereas the City does;

4. Del Este is required to pay franchise fees whereas the City does not; and

5. Operational differences and differences in economies of scale.

Staff evaluated future rates if the City acquires the Modesto part of the Del Este system. The evaluation was based on available data (including Del Este's applications to the CPUC regarding the impact of the Treatment and Delivery

Agreement on future rates and assumed payment of fair market value). Staff has concluded that the City's rates for the area currently served by the City and the part of Del Este to be acquired would stabilize at approximately $22/month for typical single family residential customers by 1995, apart from future minor inflationary increases. Rates for existing typical City customers are not expected to rise as a result of the acquisition, whereas rates for existing Del Este customers are expected to be lower than if the system were still operated by Del Este by approximately $18 per month. This is due to the factors listed above.

ENVIRONMENTAL REVIEW

Environmental review is required prior to acquisition of all or a part of the Del Este system.

Two possible projects were analyzed through an initial study: (1) acquisition of the entire Del Este system, together with the construction of certain existing system improvements within the City and its sphere of influence to correct fire system deficiencies with respect to city standards, including replacement of a number of pipelines and obsolete fire hydrants and addition of fire hydrants to meet city spacing standards; or (2) acquisition of the Del Este system within the City and its sphere of influence, together with construction of the same improvements as above.

The City's Environmental Assessment Committee considered both projects at its March 17, 1993 meeting and recommended that a draft Negative Declaration be prepared. The public review period for the draft Negative Declaration was March 26 through May 28, 1993.

During the public review period six comments were received by the City on the draft Negative Declaration:

1. The State Clearinghouse indicated that no State agencies had comments to make, and that the City had "complied with State Clearinghouse review requirements."

2. John Turner of the Department of Social Services had "no comments" on either project.

3. Karleen Ashby of Modesto Irrigation District had "no comments" on either project.

4. Howard DeCavit the Stanislaus County Fire Marshal indicated concern over the time an area will be subject to a water shortage. He then noted his

department was awaiting the improvement of fire flows as many areas are inadequate.

5. David Dolenar, Deputy Chief Executive Officer of the Stanislaus County indicated support of the Fire Marshal's concerns.

6. Nossaman, Gunthner, Knox & Elliot, on behalf of Del Este, raised several legal concerns regarding the environmental process.

On June 9, 1993, the City's Environmental Assessment Committee recommended the City Council certify a Negative Declaration. (See Attachment 4.) The following measures recommended by Fire Marshal DeCavit, will be incorporated into the project:

1. The Stanislaus County Fire Marshal shall be contacted 48 hours in advance of any construction work that will interrupt water service to fire hydrants in the unincorporated County. Early notice of service interruption will allow the County Fire Department to dispatch water tanker trucks as necessary. Emergency services, such as broken water mains, are unforeseen; emergency water service events should be reported to the Fire Marshal as soon as possible.

2. No fire hydrant in the incorporated county area shall be kept out of service for more than 8 hours at a time. If an interruption of service will be necessary for more than 8 hours, written notice shall be supplied to the County Fire Marshal explaining the need for service interruption and the expected duration of the service interruption. Additional water tankers or water storage will be made available on site by the City if requested by the County Fire Marshal.

3. Service shall not be interrupted to more than one fire hydrant in a series on the unincorporated County Area at any one time. Where interruption of service to more than on hydrant is required, the County Fire Marshal shall be contacted 48 hours in advance. In such an instance the City of Modesto shall provide additional on site water storage or other fire prevention measures as requested by the County Fire Marshal.

Both possible projects also include certain pipe line replacements to correct system deficiencies in fire flow and pressure. No significant long-term environmental impacts of either project were identified. Customary City practices during pipeline replacement in public right-of-way are sufficient to avoid any short-term impact to the public during such construction.

PUBLIC BENEFITS OF ACQUISITION OF DEL ESTE SYSTEM WITHIN CITY AND CITY'S SPHERE OF INFLUENCE

Significant public benefits would result for the residents and businesses of Modesto if the City acquires the Del Este system within the City and its sphere. These benefits include: lower water rates, better service, better pressures and fire flows and coordinated management of the groundwater supply. They are discussed in more detail below:

Lower Rates

The City would be able to provide the same or improved levels of service as Del Este at lower rates. This is due to the factors discussed above under "Rate Comparison."

These factors would result in lower rates for the Del Este service area customers within the City and its sphere. It is estimated that the typical residential water customer in the Del Este service area would pay $18 less per month in the year 1995 if the City acquires the system.

Uniform Service City-Wide and Better Service

The City would replace existing 4" mains with 6" mains (standard City sized mains), thus increasing fire flow. The cost of replacing the mains would be recoverable in the rate base, if done by the City, whereas the CPUC would not allow a regulated utility, such as Del Este, to recover the cost of upgrading the mains to 6" in the rate base (in accordance with CPUC General Order 103). The City would also replace existing hydrants that do not comply with City standards or add hydrants to comply with City spacing requirements. The City has traditionally provided these higher system standards with lower rates for its customers. In addition, the City can borrow at tax-exempt rates for improvements whereas Del Este would have to borrow at market rate to finance improvements. A wider range of financing options are available to the City, such as general obligation bonds, revenue bonds, and certificates of participation.

Acquisition of the Del Este system within the City limits and within the City's sphere of influence would allow the City to fully inter-connect the Del Este system with the City's existing system, which will provide several benefits: (a) improved fire flows; (b) improved reliability and; (c) flexibility for shutdown of wells for maintenance.

Billing for water service would be consolidated with City billings for sewer service, making payment easier for customers.

Uniform Rates City-Wide

Rates charged by Del Este have varied consistently from rates charged by the City in areas served by it. Historically, the City has charged lower rates than Del Este. (See Attachments 2 and 3.) Acquisition will allow the City to charge uniform rates throughout the City and areas within its sphere of influence. It will also avoid confusion regarding the service provider.

The City has a senior and disabled citizen discount program which would be extended to qualified Del Este customers in the City. Del Este does not have such a program.

Local Control

As a publicly owned utility, the City's system is not subject to CPUC regulation. Residents' concerns with quality of services, rates, and other matters are addressed locally by the City Council rather than by the CPUC. This local control of City water rates has resulted in historically lower City water rates than Del Este. Although local management of Del Este Water Company is likely, disputes would be subject to the control of California Water Service Company corporate headquarters in San Jose if Del Este is sold to that company, while rates would continue to be subject to the approval of CPUC in San Francisco.

City control of the Del Este system within the area of the City's sphere of influence will allow the City to provide unified service within the area of expected growth.

The City maintains a long-range technical and financial plan for its water supply, distribution and quality. This plan is based on a community decision-making process, and it is updated annually by the City Council. Del Este does not prepare such a plan in a public forum.

Fire Insurance Rates

An increase in fire flows from installation of 6" mains may result in lower fire insurance rates. Current fire insurance ratings are based on an evaluation of the entire fire response capability of an area.

Deficiencies in the Del Este fire flows are a hinderance to the city receiving a lower fire rating, which would mean lower fire insurance premiums for all City residents.

Better Responsiveness to New Water Quality Concerns

New and stricter water quality regulations will continue to be adopted by federal and state regulators. Due to its long-range planning, the City is able to quickly apply the expertise and financial strength needed to comply with these regulations. It can also establish an orderly and gradual rate program to minimize the impact of new water regulations on the community economy.

As a CPUC regulated water company, Del Este cannot adjust revenues in advance of actual need to avoid significant one-time rate increases. In addition, the formal CPUC rate adjustment process creates a delay between need and implementation. The inability of Del Este to obtain security for its financial commitment under the MID Treatment and Delivery Agreement from private sources is indicative of the problems faced by private utilities in obtaining resources for capital improvements to address water quality problems.

Unified Ground Water Management

The City has committed significant resources to developing a conjunctive ground water and surface water supply strategy that includes the MID Drinking Water Project and Joint Powers Authority for a surface water supply in the Turlock Irrigation District area. These depend on prudent management of the ground water supply as well. Unifying the extraction of the ground water for domestic service under one agency will result in better management and control of this valuable physical resource and of the community's economic resources committed for its management.

The City, Del Este and other local water providers are currently discussing a regional groundwater management plan in accordance with AB 3030. However, this legislation does not require participation by Del Este or any CPUC regulated water utility.

Acquisition of the portion of Del Este's system within the City and its sphere of influence will leave approximately 5,600 connections in areas served by Del Este outside the City's sphere, including areas in Ceres, Turlock, Waterford and the unincorporated communities of Del Rio, Grayson, Hickman, and Salida. These

"outlying" systems are hydraulically independent with one minor exception. The exception is DHS system 50-016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99 which is crossed by a single pipe. However, each area has its own wells and can function separately following acquisition by the City. Service crew travel time and operation and maintenance costs would not change following acquisition of the system within the City and its sphere. The City's consultant has evaluated the economic feasibility of the "outlying" systems. Based on his experience, small systems serving 700-800 connections can be economically viable. The systems which would remain after acquisition by the City of the systems within the City and its sphere would serve approximately 5600 connections with an estimated population of 22,000 in six communities. The City's consultant indicates that systems of this size can be and are economic systems operated by private water companies, even if geographically separated.

Staff recommends that the Council consider acquisition of the portion of the Del Este system within the City and its sphere of influence only. Staff analyzed the benefits of acquisition of the entire Del Este System versus acquisition of the portion of the system within the City limits and the sphere of influence only. Because the above-described public benefits to the City of Modesto are not as compelling in the areas served by Del Este outside the sphere of influence, the staff recommends acquisition of the Del Este system within the City limits and the sphere of influence only. Acquisition of only the portion of the Systems within the City and its sphere leaves intact the remainder of the System which can be economically operated. Service levels and user rates for the outlying systems are expected to be unchanged as a result of the acquisition.

Staff also analyzed the impact of the acquisition on existing Del Este employees and recommends that, following acquisition, the City offer to employ those current Del Este employees who Del Este would no longer need to employ for the areas of the system outside the City and its sphere of influence.

OFFER TO PURCHASE

Prior to initiating an eminent domain action, the Council is required to make an offer to the owner(s) to purchase the property. The City has made an offer to purchase the portion of the Del Este system within the City and its sphere of influence (approximately 70% of Del Este customer connections) for the sum of $7,800,000 (see Attachment 5). Del Este has rejected this offer (see Attachment 6).

FINDINGS REQUIRED FOR ADOPTION OF RESOLUTION OF NECESSITY

The Council must make certain findings in order to adopt a resolution of Necessity to condemn property. Those findings in this situation are:

(a) Whether the public interest and necessity require the acquisition;

(b) Whether the use for which the property is sought to be acquired is a more necessary public use than the use to which the property is appropriated;

(c) Whether the acquisition is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(d) Whether the property sought to be acquired is necessary; and

(e) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

Staff believes that the Council can make these findings for the reasons set forth in this report.

The hearing before the Council concerns the issues listed above. It does not concern the amount of compensation to be paid by the City to acquire the system. That will be resolved in the eminent domain action.

RECOMMENDATION

Based on this evaluation of the identified and anticipated public benefits are expected to result from the City's acquisition of that part of the Del Este Water Co. within the City limits and the City's sphere of influence, staff recommends that the City proceed with acquisition of the Del Este Water Co. systems within the City limits and the sphere of influence. Staff recommends adoption of the Resolution approving the Negative Declaration (Attachment 7) and the Resolution of Necessity (Attachment 8) in that order.

STEPS FOLLOWING APPROVAL

1. The Director of Planning and Community Development will file the Notice of Determination with the Stanislaus County Clerk.

2. The City Attorney will file an eminent domain action in Stanislaus Superior Court. The action must be filed within six months following adoption of the Resolution of Necessity.

Prepared by: A Tulloch
Alice Tulloch
Senior Civil Engineer

Recommended by: A Tulloch for RME
R. Marshall Elizer, Jr.
Public Works & Transportation Director

Submitted by: Paul Baxter for
J. Edward Tewes
City Manager

RME:AT:kk

Attachment

cc: J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager
Mike Milich, City Attorney
Norrine Coyle, City Clerk
Andrea Daroca, Interim Director of Finance
Del Este Water Company
California Water Service Company
Michael B. Gilton, Senior Civil Engineer
Mike Nave, Meyers, Nave, Riback & Silver
Elizabeth Silver, Meyers, Nave Riback & Silver

RESOLUTION NO. 93-350

Print

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MODESTO DETERMINING THAT
THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING
THE FILING OF EMINENT DOMAIN PROCEEDINGS

Del Este Water System Acquisition

IT IS RESOLVED by the City Council of the City of Modesto, California, as follows:

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to provide uniformity of water quality and service and rate stability to the water users of the City of Modesto and surrounding areas in the city sphere of influence; and

WHEREAS, the City Council of the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Government Code Sections 38730 and 40404, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.410, 1240.510 and 1240.610 of the Code of Civil Procedure of the State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be

heard before the City Council of the City of Modesto on the following matters:

(a) Whether the public interest and necessity require the acquisition;

(b) Whether the use for which the property is sought to be acquired is a more necessary public use than the use to which the property is appropriated;

(c) Whether the acquisition is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(d) Whether the property sought to be acquired is necessary; and

(e) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED as follows:

1. The public interest and necessity require the acquisition in order to provide uniformity of water quality and service and rate stability to the water users in the City of Modesto and surrounding areas in the City's sphere of influence;

2. The use for which the property described in Exhibit "A" is sought to be acquired--to provide uniformity of water quality and service and rate stability to water users in the City and surrounding areas within its sphere of influence--is a more necessary public use than the use to which the property is appropriated;

3. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

4. The taking of the fee simple and/or absolute title in and to the property more particularly described in said Exhibit "A" is necessary;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;

6. The property described in Exhibit "A" which is outside the territorial limits of the City of Modesto should be acquired for water supply purposes;

7. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith; and

8. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

The assets of the Del Este Water Company water systems in the Modesto Service Area (identified by Department of Health Services number) are described as follows:

DHS 50-002
DHS 50-003
DHS 50-011
DHS 50-015
That portion of DHS 50-016A west of Highway 99 only
DHS 50-022
DHS 50-024
DHS 50-027
DHS 50-036

and specifically with regard to said systems:

1. Water Supply Facilities

All water wells, reservoirs and equipment to draw water from underground and surface sources for distribution within the service area, including all motors, pumps, valves, fittings, water production meters, controls, sand separators, enclosing structures, site improvements, and any other appurtenances necessary for proper operation and control of the identified systems.

2. Pumping Facilities

All pumps and equipment located at reservoirs, well sites, storage tanks, treatment plants and "in-line" within the distribution piping used for the purpose of raising the water pressure to the prescribed system pressure, including pumps, motors, valves, fittings, all controls, vaults, site improvements, and any other appurtenances necessary for proper operation and control of the distribution pumping facilities.

3. Water Treatment Facilities

All structures and improvements and water treatment equipment used for the purpose of treating surface and raw water pumped from the ground for use as a potable water supply. This category of utility plant property includes, but is not limited to:

(a) Chemical feed equipment, including pumps, motors, tanks, metering devices and controls.

(b) Chlorine analyzers, recorders, and leak detectors.

(c) Pressure tanks, filters, chemical reaction tanks and degassifier tanks.

(d) Water production meters and appurtenances.

(e) Buildings and other enclosures including laboratory facilities.

(f) Yard piping, all site improvements, and any other appurtenances necessary for proper operation and control of the water treatment facility.

4. Water Storage Facilities

All reservoirs and tanks used for the purpose of treated and/or untreated water storage or water pressure regulation for the identified systems. These facilities include, but are not limited to, such items as the reservoirs, tanks, yard piping, valves, level indicators, cathodic protection, controls, vaults, site improvements and any other appurtenances necessary for proper operation and control of the water storage facility.

5. Transmission and Distribution Facilities

All pipelines for the identified systems used in the transmission and distribution of treated water from the treatment plants and storage tanks to the water consumer, including all service lines, meters, meter installations, and fire hydrant installations, and appurtenant valves, fittings, vaults, locating wire, cathodic protection, location markers and any other control or appurtenances necessary for proper operation and maintenance of the transmission and distribution facility.

6. Water Rights, Capacity, Permits, and Pending Litigation

All water rights appurtenant to or used by any of the identified systems, the proportionate share of said systems in any and all surface water treatment and delivery capacity and/or contract rights relating to the identified systems including but not limited to the "Treatment and Delivery Agreement Among Modesto Irrigation District, City of Modesto, and Del Este Water Company", any and all shares of California Department of Health Service permits relating to said systems, and said systems' proportionate share of any claims and/or recovery obtained by Del Este Water Company in the action known as City of Modesto v. Shell Oil Co., et al. (San Francisco Superior Court No. 939526; Master File No 914400).

7. Records

All deeds, books, maps and records relating to the operation and maintenance of the identified systems, including, but not limited to, operating records of every nature, including engineering records, accounting records (including invoices for materials and services purchased) and billing records.

Without limiting the specificity of the above description of assets, the City of Modesto states that the facilities, lands, property rights and systems described are intended to comprise all of the identified systems of the Company lying within the Modesto Service Area, not including, however, office furniture and equipment, automotive and other transportation equipment, communications equipment, tools, materials and supplies, cash or accounts receivable, debts, current and accrued liabilities, except for the obligation for repayment of advance contracts relating to the identified systems.

8. Land and Land Rights

With the exception of the lands, buildings, and storage yard located at 430 Tenth Street, Modesto, California, all lands within the City of Modesto and its sphere of influence that are being used by the Company for the operation of the identified systems, including all real property leases, rights of way and easements to maintain or place and maintain, the works described above in paragraphs 1, 2, 3, 4 and 5, or any part or portion thereof, whether existing by virtue of grant, prescription or otherwise, and including real property leases for Well Sites 1, 25, 76, 77, 79, 91, 92, 93, 94 and 96 which are located in DHS System 50-002. Attached hereto as Schedule 1 is a legal description of the real property interests referred to in this paragraph with the exception of leases for the well sites referred to above.

SCHEDULE 1
LEGAL DESCRIPTIONS

PARCEL NO. 1:
All of Lot 18 in Block 3071 of SUNSET MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 6, 1947 in Volume 16 of Maps, at page 50.

EXCEPTING THEREFROM all that portion of said Lot 18, lying Westerly of a line described as:

BEGINNING at the Southeast corner of Lot 19 in said Block 3071 and running thence Northwesterly to the Southwest corner of Lot 17 in Block 3071.

PARCEL NO. 2:
Lot 3 in Block 1 of EL ROYA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 16, 1938 in Volume 11 of Maps, at page 52.

PARCEL NO. 3:
Lot 5 in Block 2241 of STEVENS TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 26, 1958 in Volume 19 of Maps, at page 1.

PARCEL NO. 4:
All of Block 2172 of RE-SUBDIVISION OF THOUSAND OAKS, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 12, 1946 in Volume 14 of Maps, at page 63.

PARCEL NO. 6:
The South 85.64 feet of Lot 9 lying East of Conejo Avenue in Block 2141 of SIERRA SUBDIVISION NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 14, 1936 in Volume 11 of Maps, at page 31.

EXCEPTING THEREFROM the East 20 feet thereof.

PARCEL NO. 7:
Lots 11 and 12 in Block 9151 of RIVER VIEW TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 28, 1946 in Volume 14 of Maps, at page 44.

PARCEL NO. 8:
Lots 19, 18 and the South half of Lot 20 in Block 4017 of PARADISE HOMES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 14, 1929 in Volume 11 of Maps, at page 9.
EXCEPTING THEREFROM that portion thereof conveyed to County of Stanislaus, by Deed recorded September 25, 1940 in Volume 710 of Official Records, at page 476, as Instrument No. 12112. Stanislaus County Records.

PARCEL NO. 9:
An easement for the construction, operation and maintenance of underground pipelines, and/or mains, and underground appurtenances necessary thereto, for the purpose of conveying water, described in the Deed from Modesto Irrigation District to Del Este Water Company, dated October 3, 1972, recorded October 12, 1972 in Book 2504 of Official Records, at page 119, in the following real property situate in the County of Stanislaus, State of California and described as follows: A strip of land Five (5) feet in width consisting of the South five (5) feet of the North Six (6) feet of Lot 10 in Block 5 of SIERRA SUBDIVISION, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 20, 1930 in Volume 11 of Maps, at page 15.

PARCEL NO. 10:
All that portion of Lot 20 of MAZE RANCH SUBDIVISION, according to the Map filed in Stanislaus County Recorders office in Volume 4 of Maps, at page 18, more particularly described as follows:

COMMENCING at the Northwesterly corner of Parcel "B" as shown on that certain Parcel Map filed February 10, 1975 in Book 20 of Parcel Maps, page 81, Stanislaus County Records; being a portion of Lots 20 and 21 of Maze Ranch Subdivision; thence South 1 degree 04' 30" West along the Westerly line of said Parcel B a distance of 270.36 feet to the true point of beginning of this description; thence at right angles South 88 degrees 55' 30" East 60.00 feet; thence South 1 degree 04' 30" West 106.82 feet to a point on the Northerly right-of-way line of Modesto Irrigation Lateral No. 4; thence North 73 degrees 15' 36" West along said Northerly right-of-way line a distance of 62.31 feet; thence North 1 degree 04' 30" East 90.00 feet to the true point of beginning of this description.
TOGETHER with the "easement" described in the Deed to Del Este Water Company recorded February 10, 1975 in Book 2682 of Official Records of said County, at page 254, particularly described in said Deed as follows:

A 15.00 foot easement measured at right angles, the Westerly line being described as follows: BEGINNING at the Northwest corner of Parcel "B" as shown on that certain Parcel Map filed February 10, 1975 in Book 20 of Parcel Maps, at page 81, Stanislaus County Records; being a portion of Lots 20 and 21 of Maze Ranch Subdivision; thence South 1 degree 04' 30" West along the Westerly line of said Parcel B a distance of 270.36 feet to the termination of this description.

PARCEL NO. 13:
A Right of Way to construct, operate and maintain underground pipelines and/or mains and appurtenances necessary thereto, for the purpose of conveying water, upon over and through that certain real property situate in the County of Stanislaus, State of California, and more particularly described as follows:

All that certain piece or parcel of land situate in and being a portion of the Northwest one-quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, thence South 0 degrees 39' 47" East along the Westerly line of said Section 36, a distance of 797.20 feet to the Southerly line of a 75 foot wide canal known as Modesto Irrigation District Lateral No. 1; thence North 88 degrees 06' 44" East along said Southerly line, a distance of 457.56 feet; thence South 83 degrees 57' 19" East along said Southerly line, a distance of 2.13 feet to the true POINT OF BEGINNING of this description; thence South 0 degrees 18' 22" East, a distance of 475.14 feet to the Northerly line of a 60 foot road known at Farrar Avenue; thence South 89 degrees 14' 35" East along said Northerly line, a distance of 10.00 feet; thence North 0 degrees 18' 22" West, a distance of 474.21 feet to the Southerly line of said Lateral No. 1; thence North 83 degrees 57' 19" West along the Southerly line of said Lateral No. 1, a distance of 10.06 feet to the point of beginning of this description, as created in the Deed from Beard Land Improvement Company, recorded April 3, 1974 in Book 2620 of Official Records, in said County, at page 216.

PARCEL NO. 17:
Lots 17 and 18 in Block 2323 of ALTA VISTA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 15, 1947 in Volume 16 of Maps, at page 43.

PARCEL NO. 18:
Lot 1 in Block 6343 of HIGHWAY VILLAGE TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 25, 1947 in Volume 16 of Maps, at page 41, Stanislaus County Records.

PARCEL NO. 23:
All that portion of the Northeast quarter of the Northwest quarter of Section 1, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Southwest corner of the Northeast quarter of the Northwest quarter of said Section 1; thence North 0 degrees 32' West along the West line of the Northeast quarter of the Northwest quarter of said Section 1, said West line being also the center line of a 40 foot County Road known as Grimes Avenue, a distance of 451.84 feet to a point on the South right of way line of Lateral No. 5 of the Modesto Irrigation District; thence North 64 degrees 45' East and along the South right of way line of said Lateral No. 5, a distance of 22.02 feet to a point on the East line of said 40 foot Grimes Avenue and the true point of beginning of this description; thence South 0 degrees 32' East and along the East line of said 40 foot Grimes Avenue, a distance of 27.52 feet to a point; thence North 64 degrees 45' East, parallel with and distant 25 feet at right angles from the South right of way line of said Lateral No. 5, a distance of 75 feet; thence North 0 degrees 32' West and parallel with the West line of the Northeast quarter of the Northwest quarter of said Section 1, a distance of 27.52 feet to a point on the South right of way line of said Lateral No. 5; thence South 64 degrees 45' West and along the South right of way line of said Lateral No. 5, a distance of 75 feet to the true point of beginning.

PARCEL NO. 27:

Lot 9 in Block 1242 of CAMELLIA GARDENS TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 19, 1950 in Volume 17 of Maps, at page 5.

PARCEL NO. 28:

Lots 2 and 3 in Block 4903 of WILSON MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 24, 1947 in Volume 16 of Maps, at page 40.

EXCEPTING the West 30 feet of said Lots 2 and 3, also excepting the North 30 feet of said Lot 3.

PARCEL NO. 29:

Lot 10 in Block 5179 of LEO C. HAMMETT TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 2, 1948 in Volume 16 of Maps, at page 54.

PARCEL NO. 30:

Lots 16 and 17 in Block 7255 of HIGHWAY VILLAGE, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 25, 1947 in Volume 16 of Maps, at page 41.

PARCEL NO. 31:

An easement over the following described property, for the purpose of placing and maintenance of a water pipe, together with right of ingress and egress: The Easterly 3 feet of Lot 4 in Block 5014 of EMERALD ACRES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 14, 1950 in Volume 17 of Maps, at page 2.

PARCEL NO. 32:

The East one-half of Lot 6 in Block 6990 of the HARTE TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 15, 1950 in Volume 17 of Maps, at page 4.

Excepting therefrom all that certain real property in the Northwest quarter of Section 16, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

COMMENCING at the Northwest corner of said Section 16, thence South 0 degrees 43' 00" East, along the West line of said Section 16, and the center line of McHenry Ave., a distance of 44.00 feet; thence South 89 degrees 30' 30" East, 50.00 feet to the East right-of-way line of said McHenry Ave., thence South 0 degrees 43' 00" East, along said East right-of-way line of McHenry Ave., a distance of 156.47 feet; thence South 89 degrees 29' 40" East, 180.00 feet to the West line of a 20.00 foot wide alley; thence South 0 degrees 43' 00" East; along said West line of alley, a distance of 104.00 feet; thence North 89 degrees 29' 40" West, 41.00 feet to the point of beginning; thence South 0 degrees 43' 00" East, 52.00 feet; thence North 89 degrees 29' 40" West, 19.00 feet; thence North 0 degrees 43' 00" West, 52.00 feet; thence South 89 degrees 29' 40" East, 19.00 feet to the point of beginning.

PARCEL NO. 33:

Lot 1 in Block 12,919 of REVARD MANOR, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 23, 1952 in Volume 17 of Maps, at page 38.

PARCEL NO. 34:

Lots 1 and 2 in Block 2272 of YOSEMITE VILLA, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on June 1, 1950 in Volume 17 of Maps, at page 1.

PARCEL NO. 35:

A Right of Way for the installation, repair and maintenance of domestic water lines over, across and under the following described property:

The North 5 feet of Lot 2 and the South 5 feet of Lot 3 in Block 637 of RAMONA PARK TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on April 15, 1952 in Volume 17 of Maps, at page 30.

PARCEL NO. 36:

Parcel A as per Parcel Map filed October 8, 1980 in Volume 30 of Parcel Maps, page 154, Stanislaus County Records.

PARCEL NO. 38:

East 20 feet of the South 85.64 feet of Lot 9 in Block 2141 of SIERRA SUB. NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 14, 1936 in Volume 11 of Maps, at page 31.

PARCEL NO. 39:

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

COMMENCING at the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 9, said point being on the centerline of 50 foot McHenry Avenue; thence along the East-West quarter quarter line through the Southwest quarter of said Section 9, South 89 degrees 23' 20" East 25.01 feet to a point on the East line of said McHenry Avenue; thence along said East line North 0 degrees 47' 30" West 20.01 feet; thence parallel with and 20 feet Northerly at right angles from the East-West quarter quarter line through the Southwest quarter of said Section 9, South 89 degrees 23' 20" East, 304.51 feet to the true point of beginning of this description; thence continue South 89 degrees 23' 20" East 130.22 feet to the Northwest corner of alley running through Block 12321 of SHERWOOD FORREST, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on August 13, 1956 in Volume 18 of Maps, at page 56, Stanislaus County Records; thence along the Westerly line of alley running through said Block South 0 degrees 47' 30" East 104.47 feet to the intersection thereof with the Northerly line of Robin Hood Drive; thence along said Northerly line being along a curve concave to the Northeast having a radius of 500 feet, central angle of 8 degrees 34' 50" a distance of 74.88 feet; thence continuing along the Northerly line of said Robin Hood Drive, along a reverse curve concave to the Southwest having a radius of 700 feet through a central angle of 18 degrees 39' a distance of 70 feet, more or less, to a point thereon that bears South 0 degrees 47' 30" East from the point of beginning; thence North 0 degrees 47' 30" West a distance of 46 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed by Deed dated June 15, 1964 and recorded July 15, 1964 in Volume 1962 of Official Records, at page 9, executed by Del Este Water Company to Forrest G. Harris, Jr., described as follows:

BEGINNING at the Northwesterly corner of that certain Parcel of land conveyed to the Del Este Water Company, a corporation, by Deed filed on Decemeber 11, 1957 in Volume 1457 of Official Records, at page 579, as Instrument No. 30943, Stanislaus County Records; thence South 89 degrees 23' 20" East along the Northerly line of said Parcel a distance of 87.70 feet to a point on the East line of a proposed 50.00 foot street to be known as Greenwich Lane; thence along the East line of said Street along a curve concave to the Southeast, having a central angle of 5 degrees 36' 46", a radius of 468.38 feet, an arc length of 45.88 feet; thence South 15 degrees 04' 28" West a distance of 9.35 feet; thence along a curve concave to the Northeast, having a central angle of 78 degrees 39' 00", a radius of 28.04 feet, an arc length of 38.49 feet, to a point on the Northerly line of a 60.00 foot street known as Robin Hood Drive; thence along the Northerly line of said street along a curve concave to the Northeast, having a central angle of 2 degrees 51' 56", a radius of 500.00 feet, an arc length of 25.01 feet; thence continuing along said Northerly street line, along a curve concave to the Southwest, having a central angle of 5 degrees 44' 52", a radius of 700.00 feet; an arc length of 70.22 feet, to the Southwest corner of aforesaid Del Este Water Company Parcel; thence North 0 degrees 47' 38" West along the Westerly line of said Del Este Water Company Parcel, a distance of 43.76 feet to the point of beginning.

PARCEL NO. 47:

All that portion of Block 1607 of the LINCOLN ESTATES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 15, 1959 in Volume 19 of Maps, at page 32, and more particularly described as follows:

BEGINNING at the Northwest corner of said Block 1607, said point being on the Easterly line of a 60 foot County Road known as Gettysburg Way; thence along the Northerly boundary of said Lincoln Estates North 75 degrees 02' 20" East 31.70 feet; thence South 3 degrees 56' West 80.27 feet; thence North 86 degrees 04' West 30.00 feet to a point on the Easterly line of said Gettysburg Way; thence along said Easterly road line along a curve to the right having a radius of 2257.00 feet through a central angle of 1 degrees 46' 38" a distance of 70.01 feet to the true point of beginning of this description.

PARCEL NO. 48:

All that portion of Block 1607 of LINCOLN ESTATES, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California,, on December 15, 1959 in Volume 19 of Maps, at page 32, and more particularly described as follows:

BEGINNING at the Southeast corner of that certain real property as conveyed to the Del Este Water Company on January 18, 1960 by Instrument No. 1296; thence South 3 degrees 56' 00" West 44.60 feet to a point on the Northerly line of a 60 foot road known as Shenandoah Way; thence along said Northerly line of Shenandoah Way along the arc of a curve to the left whose radius of 2400 feet through a central angle of 0 degrees 14' 52" a distance of 10.38 feet to the point of reverse curve; thence along the arc of a curve to the right whose radius is 15 feet through a central angle of 104 degrees 54' 13" a distance of 27.46 feet to a point of compound curve on the Easterly line of a 60 foot road known at Gettysburg Way; thence along said Easterly line of Gettysburg Way along the arc of a curve to the right whose radius is 2257 feet through a central angle of 0 degrees 51' 15" a distance of 33.65 feet to the Southwest corner of said property conveyed to the Del Este Water Company, thence South 86 degrees 04' 00" East 30.00 feet to the point of beginning.

PARCEL NO. 49:

Lot 1 in Block 12,555 of COFFEE VILLAGE, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 20, 1960 in Volume 19 of Maps, at page 34.

PARCEL NO. 50:

Lot 1 in Block 12,563 of COFFEE VILLAGE NO. 2, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on July 26, 1960 in Volume 19 of Maps, at page 44.

PARCEL NO. 51:

Lot 1 in Block 1102 of DOWNEY PARK NO. 1, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on August 18, 1959 in Volume 19 of Maps, at page 26.

PARCEL NO. 52:

All that portion of Lot 3 in Block 5230 of ELM ESTATES, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 15, 1960 in Volume 19 of Maps, at page 37, described as follows:

BEGINNING at the Southeasterly corner of said Lot 3, running thence along the Southerly line of said Lot, North 68 degrees 51' 40" West 10 feet to the true point of beginning of this description; thence parallel with the Easterly line of said Lot North 21 degrees 08' 20" East 96.04 feet to a point on the Northerly line of said Lot; thence along the Northerly line of said Lot, and being along a curve to the right, having a radius of 40 feet; central angle of 42 degrees 58' 50" an arc distance of 30.01 feet; thence South 52 degrees 09' 42" West 117.05 feet to the Southwesterly corner of said Lot 3; thence along the Southerly line of said Lot South 68 degrees 51' 40" East 89.32 feet to the true point of beginning.

PARCEL NO. 53:

Easement over and under the following described property:

The North 10 feet of Lot 36 of the SUNSET ACRES TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on Janaury 14, 1911 in Volume 5 of Maps, at page 25.

"Said easement is for the purposes of grantees placing thereupon domestic water pipe lines under the surface with right of entry to repair, replace or renew said pipe lines; that said pipe is to be underground approximately 20 to 30 inches deep; that any damage caused to said property in placing or retaining said pipe lines is to be repaired and paid for at the sole expense of the grantees, and that the terms of this easement shall be binding upon the heirs, administrators and assigns of grantees", all as set forth in that certain Deed from Charles F. Rose, et ux, to Joseph A. Moore, et ux, recorded October 9, 1952, as Instrument No. 24761, Volume 1110, page 598.

PARCEL NO. 54:

An easement for public utility purposes over the East 5 feet of the following described land:

The West half of the South 50 feet of Lot 17, according to the "REVISED MAP OF GRAHAM ACRES", according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 16, 1912 in Volume 6 of Maps, at page 49.

PARCEL NO. 55:

An easement for public utility purposes over the East 10 feet of the South 1.25 chains of Lot 15 of "REVISED MAP OF GRAHAM ACRES", according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 16, 1912 in Volume 6 of Maps, at page 49.

PARCEL NO. 59:

Lots 42 and 43 in Block 3286 of SOUTH MODESTO ACRES NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on Janaury 9, 1940 in Volume 11 of Maps, at page 69.

PARCEL NO. 60:

Lot 9 in Block 3281 of BAROZZI TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on February 11, 1947 in Volume 16 of Maps, at page 25.

PARCEL NO. 61:

Lot 17 in Block 9807 of RUTHERFORD TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 19, 1947 in Volume 16 of Maps, at page 37.

PARCEL NO. 62:

Lot 38 in Block 9848 of RUTHERFORD TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanialaus County, California, on March 19, 1947 in Volume 16 of Maps, at page 37.

PARCEL NO. 63:

Lot 20 in Block 9714 of FAIRVIEW TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 30, 1950 in Volume 17 of Maps, at page 16.

PARCEL NO. 65:

A Right of Way 6 feet in width for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof, and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom, the centerline of which is described as follows:

COMMENCING at the North quarter corner of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0 degrees 11' 30" East a distance of 901.30 feet; thence South 89 degrees 47' East 20 feet to the East line of Emerald Avenue and the point of beginning of the aforementioned center line; thence describing said line, South 89 degrees 47' East, parallel with the North line of Lot 5 of SPENCER COLONY, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at page 3, a distance of 645 feet.

PARCEL NO. 68:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom over and across the East 10 feet of Lot 14 of Block 2322 of ALTA VISTA TRACT NO. 2, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 15, 1947 in Volume 16 of Maps, at page 43.

PARCEL NO. 70:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom over and across a strip of land 6 feet in width, starting at the North property line, 11 feet West of the East property line and running parallel to the East property line South to the South property line of the following described property:

Section 8/3/9 E. 6.33 chains of S 3.39 chains of N-1/2 of SE CTY 2 ac.

PARCEL NO. 71:

A Right of Way for the purpose of constructing, maintaining and repairing an underground pipe line and/or main for the purpose of conveying water together with the right to excavate and refill ditches and/or trenches for the location thereof and to remove trees, bushes, etc., together with the right of ingress thereto and egress therefrom, over and across a strip of land 6 feet in width, starting at the North property line 11 feet West of the East property line and running parallel to the East property line South to the South line of the following described property:

Sec 8/3/9 S. 100 feet of East 6.33 chs, of N. 3.39 chs. of S. 6.78 chs. of N. 1/2 of SE 1/4.

PARCEL NO. 74:

Easement conveyed by the Deed from Parkview Water Company to Del Este Water Company by Deed dated September 16, 1976 and recorded October 15, 1976 in Book 2840 of Official Records, at page 823, in the following described land:

All that certain piece of parcel of land situate in and being a portion of Lot A of PARKVIEW ESTATES, being in Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING at a 3/4" iron pipe marking the point of curvature at the Southwest corner of Lot A of PARKVIEW ESTATES, according to the Official Map thereof recorded in Volume 18 of Maps, at page 57, Stanislaus County Records; thence Easterly along the arc of a curve concave to the Northwest, a distance of 11.01 feet, said curve having a central angle of 5 degrees 44' 04" and a radius of 110.00 feet, to the true POINT OF BEGINNING of this description; thence Northeasterly along the arc of a curve concave to the Northwest, a distance of 66.40 feet, said curve having a central angle of 34 degrees 35' 06" and a radius of 110.00 feet; thence Northerly along the arc of a curve concave to the West, a distance of 29.58 feet; said curve having a central angle of 99 degrees 21' 40" and a radius of 17.06 feet; thence Northwesterly along the arc of a curve concave to the Southwest, a distance of 67.69 feet, said curve having a central angle of 35 degrees 15' 24" and a radius of 110.00 feet; thence South 1 degrees 10' 35" East along an existing fence, a distance of 77.32 feet to the point of beginning.

PARCEL NO. 75:

Lot 1 in Block 4105 of ANWAR MANOR, as per map filed November 13, 1980 in Vol. 29 of Maps, page 61, Stanislaus County Records.

PARCEL NO. 86:

PARCEL 1 AS SHOWN ON PARCEL MAP FILED NOVEMBER 16, 1990 IN BOOK 43, AT PAGE 59 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, BEING A PORTION OF PARCEL B OF PARCEL MAP 31, PAGE 15.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-351

Print

A RESOLUTION ESTABLISHING FEES FOR PARKS AND RECREATION COMMERCIAL LANDSCAPE PLAN REVIEWS AND INSPECTIONS.

WHEREAS, Section 12-1.08 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish fees for reviewing plans and performing site inspections for landscape on new or revised commercial sites and for other procedures required or authorized by Chapter 1 of Title XII of the Modesto Municipal Code, and

WHEREAS, the Parks and Recreation Department has recommended establishing fees for fiscal years 1993, 1994, and 1995, for commercial landscape plan reviews and inspections which are currently being provided to commercial developers at no charge, and

WHEREAS, the Council held a public hearing at its regular meeting on June 22, 1993, to consider said proposed fees for reviewing plans and performing site inspections for landscape on new or revised commercial sites,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fees for fiscal years 1993, 1994, and 1995 for commercial landscape plan reviews and inspections, as set forth on Exhibit "A", entitled "Parks and Recreation Department Landscape Plan Reviews and Inspections", attached hereto and incorporated herein by reference, are hereby adopted.

BE IT FURTHER RESOLVED that this resolution shall become effective on July 1, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

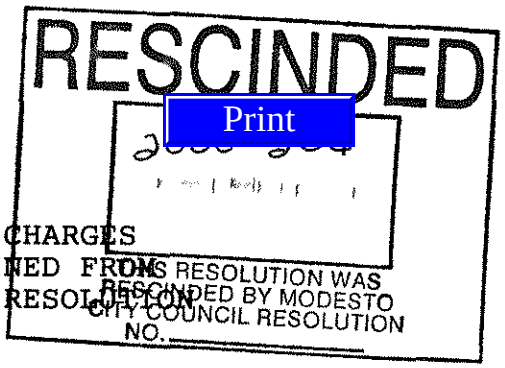
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

PARKS AND RECREATION DEPARTMENT
LANDSCAPE PLAN REVIEWS AND INSPECTIONS

	July 1, 1993	July 1, 1994	July 1, 1995
Plan Check			
to 5,000 s.f.	$55.00	$58.00	$60.00
5-10,000 s.f.	$72.00	$75.00	$78.00
10-15,000 s.f.	$90.00	$94.00	$98.00
15-50,000 s.f.	$106.00	$111.00	$115.00
50,000+ s.f.	$140.00	$146.00	$152.00
Resubmittal	$20.00	$21.00	$22.00
Inspection			
to 15,000 s.f.	$75.00	$78.00	$82.00
15-50,000 s.f.	$90.00	$94.00	$98.00
50,000+ s.f.	$110.00	$115.00	$120.00
Reinspection	$40.00	$42.00	$44.00



MODESTO CITY COUNCIL
RESOLUTION NO. 93-352

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 92-272.

WHEREAS, upon request, documents and transcripts are made available to the public by various departments of the City, and

WHEREAS, the Council has periodically established fees and charges for obtaining said documents and transcripts, and

WHEREAS, City staff has recommended an increase in said fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on June 22, , 1993, to consider the recommended changes,

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

SECTION 1. The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for the documents and transcripts listed thereon, and which are obtained from the City of Modesto.

SECTION 2. The City Clerk may charge governmental agencies for copies of documents as mandated by law except when required to produce such documents in the performance of an official service.

SECTION 3. Resolution No. 92-272 adopted by the Council on July 20, 1992, is hereby rescinded effective July 1, 1993.

SECTION 4. Rates established by this resolution shall become effective on and after July 1, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: Bird

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Title/Description	Fee/Unit
A. City Clerk	
1. Modesto Municipal Code*	
a. Municipal Code (without binder)	$108.00/ea
b. Municipal Code binder (without Title X)	12.00/ea
c. Municipal Code binder (with Title X)	8.50/ea
d. Continuing Code service, per year	95.00/yr
e. Individual Subjects/Titles/Articles:	
1. Business, Professions & Trades	4.15/ea
2. CATV	3.10/ea
3. Charter	4.15/ea
4. Health	3.35/ea
5. Planning & Zoning	18.25/ea
6. Public Utilities	5.50/ea
7. Public Works	4.15/ea
8. Sales, Use & Admissions Tax	5.30/ea
9. Sign Regulations	4.15/ea
10. Subdivision of Land	5.30/ea
11. Building Mechanical, Plumbing, Housing, Dangerous Building, Electrical & Fire Codes	4.40/ea
f. Individual Code pages (The City Clerk is authorized to not charge persons requesting a small number of individual Code pages.)	.50
2. City Council Agendas or Minutes	61.25/yr
3. Request to Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance	18.50
B. General Reproduction	
1. Copies of any Official City Documents (other than maps or prints)	
a. First Copy	.35/page
b. Additional copies (FPPC regulation sets 10¢ each for copies of Economic Interest and campaign statements)	.15/page

C.	Transcripts	Actual Cost Plus Indirect Costs
D.	Base Map/Zoning Map*	$ 9.00
E.	Notice of Intent to Circulate Initiative Petition (California Elections Code Section 4002(b)) To be refunded after Clerk certifies sufficiency of petition.	$200.00

*These fees exclude postage and handling which may be added if mailing is required.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-353

A RESOLUTION ESTABLISHING FEES FOR POLICE DEPARTMENT SERVICES RELATING TO FALSE ALARMS.

WHEREAS, on June 22, 1993, the City Council introduced Ordinance No. 2859 -C.S., which added Chapter 11 to Title III of the Modesto Municipal Code entitled Security Alarms, and

WHEREAS, Section 3-11.06 of the Modesto Municipal Code provides that a service charge shall be imposed on any Modesto alarm system permittee for each false alarm response made by the Modesto Police Department in excess of two (2) responses in any consecutive ninety (90) day period or four (4) responses in any twelve (12) month period, and

WHEREAS, Section 3-11.06 further provides that multiple false alarms occurring in any twenty-four (24) hour period may be charged as one (1) call, if shown that the owner was not notified and provided the opportunity to correct the defect, and

WHEREAS, Section 3-11.06 further provides that a false alarm shall not be charged against a permittee if it is determined that the alarm was activated by a utility power outage, and

WHEREAS, Section 3-11.06 further provides that the service charges will be based on an escalating scale determined by the frequency of false alarms after the authorized false alarm standard is met, and shall be in the amount established from time to time by resolution of the City Council, and

WHEREAS, the City Council held a public hearing at its regular meeting held on June 22, 1993, to consider the establishing of fees and charges as recommended by the Modesto Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Police Department False Alarm Service Fees are hereby established in accordance with the following schedule:

First Response	No fee
Second Response	No fee
Third Response	$ 50.00
Fourth Response	$100.00
Fifth to Tenth Response	$200.00
11th and Up	$400.00

BE IT FURTHER RESOLVED, that this resolution shall become effective the date the effective date of the Ordinance referred to above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
Print
1993-396
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-354

A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING RESOLUTION NO. 92-532.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, revenue and budget estimates after several months of this revenue program indicate that a rate increase is needed to meet the minimum requirements to maintain the level of services and to comply with the Federal water quality regulations, and

WHEREAS, on May 26, 1992, City staff presented the rate increase proposal to the Utility Services and Franchise Committee, which recommended that the proposed rate increases be considered by the City Council, and

WHEREAS, on June 16, 1992, the Council held a public hearing to consider the recommended revisions to the storm drainage sewer surcharges to meet minimum requirements to maintain the level of service and to comply with Federal water quality regulations, and

WHEREAS, by motion, said matter was referred by the Council back to City staff, and

WHEREAS, on August 25, 1992, the Council again held a public hearing to consider recommended rate increases as outlined in a report to the Council from the Public Works and Transportation Director dated August 19, 1992, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of

the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

Density Category	Property Sq. Ft. Per Dwelling Unit
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks/Cemeteries: shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

14. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Parks": shall include all developed parcels operated as a park by a public agency.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	$10.04
Each dwelling unit in a duplex	7.84
One additional dwelling unit or mobile home on a lot	7.84
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	6.46

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	Sewer Service Charges Per 1000 Gals. of Water Used
Group 1	$1.66
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
Group 2	1.93
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
Group 3	2.35
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
Group 4	2.82
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	$20.85
Group 2	24.02
Group 3	29.45
Group 4	35.33

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths ($1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $678.13 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $80.20 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $73.83 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	$3.59
Each dwelling unit in a duplex	2.49

One additional dwelling unit or mobile home on a lot	2.49
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	2.49
Billing Fee	0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

Land Use	Intensity of Development Factor (IDF)
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

ARN	Square Footage of Property
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

Square Footage of Property	Monthly Charge
0-3500 SF	$1.57
3501-7000 SF	3.08
7000 + SF	4.62

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1993.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 92-532.

SECTION 11. MOBILE HOME PARKS. That in response to mobile home parks' interests and inquiries, the continuing issue of fee equity in relation to mobile home parks is hereby referred to City staff for further study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-355

A RESOLUTION AUTHORIZING A SEWER BOND STRATEGY FOR APPROXIMATELY $7.66 MILLION FOR PART OF THE FY 93-94 SEWER CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Wastewater Treatment Plant Master Plan and its Revenue and Financing Plan will be prepared over the next twelve to eighteen months, and

WHEREAS, said plan will identify the facilities needed to serve the City as certain population milestones are reached over the next twenty to thirty years, and

WHEREAS, five critical sewer capital improvement projects recommended for FY 93-94 are proposed for bond funding, and the remaining twelve capital improvement projects which are recommended are equally critical for continued operation of the system and are proposed to be funded from cash reserves, said projects are more specifically identified as listed in a report to the Mayor and City Council from the Public Works and Transportation Director, dated June 15, 1993, on file in the office of the City Clerk, and

WHEREAS, a sewer bond strategy is proposed for approximately $7.66 million for five critical projects which are part of the FY 93-94 sewer capital improvement program, with twelve projects remaining to be funded from cash reserves amounting to $5.2 million, and

WHEREAS, said projects as proposed are considered critical needs and consistent with what the Master Plan is expected to recommend,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that some type of a sewer bond to fund approximately $7.66 million for five of the FY 93-94 sewer capital improvement projects is hereby authorized with the remaining twelve projects to be funded with cash reserves amounting to $5.2, said projects are more specifically identified as listed in a report to the Mayor and City Council from the Public Works and Transportation Director, dated June 15, 1993, on file in the office of the City Clerk

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-356

A RESOLUTION ESTABLISHING PRICE AND POPULATION FACTORS TO BE USED IN DETERMINING THE 93-94 "APPROPRIATIONS LIMIT" ACCORDING TO ARTICLE XIIIB OF THE CALIFORNIA CONSTITUTION.

WHEREAS, adoption of the fiscal year 1993-94 budget requires that Council also establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for fiscal year 1993-94, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by Article XIIIB (Proposition 4) for the State Constitution for 1993-94 is estimated at $129,000,000, said limitation pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 14, 1993, the City's Finance Director has advised the City Council that the City is in no danger of exceeding the ceiling; that a complete analysis of the City's status with regard to this Constitutional requirement will be included in the published Annual Budget document; that documentation used to compute the Proposition 4 limit is available for public review, that Schedule V attached to said report shows the preferred price and population factors to

be used and the appropriation limit; that the recommended factors to be used in calculating the limit are: the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County". A copy of said report including Schedule V is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the price and population factors to be used in determining the 93-94 "Appropriations Limit" according to Article XIIIB of the California Constitution is hereby established as set forth on Exhibit "A" which is attached hereto and incorporated herein by reference:

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Schedule V

City of Modesto

Appropriation Limit Recalculation

Fiscal Yea 1993-94

FY 92-93 Appropriation Limit		$126,767,793
Adjustment Factors:		
Population		
Modesto	1.0211	
County	1.0269	
Price		
Per Capita Income (State)	1.0272	
Local Non-residential new Construction	Unavailable	
Total adjustment Percent		2.05%
Annual Adjustment		2,596,585
Other adjustments(unknown until October 1993)		0
FY 1993-94 Appropriation Limit		$129,364,378

Exhibit "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-356A

A RESOLUTION SUPPLEMENTING ORDINANCE NO. 2860-C.S. ENTITLED "AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1994, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS."

WHEREAS, on June 22, 1993, the City Council introduced and adopted Ordinance No. 2860-C.S., entitled "An Ordinance Adopting the Budget for the City of Modesto for the Fiscal Year Ending June 30, 1994, and Providing for Certain Transfers of Funds", and

WHEREAS, due to a Councilmember's conflict of interest, said Ordinance No 2860-C.S. excluded an item relating to restriping of Scenic Avenue, and

WHEREAS, said item relating to the restriping of Scenic Avenue was then considered after the adoption of Ordinance No. 3860-C.S. which adopted the 1993-1994 Fiscal Year Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the item relating to the restriping of Scenic Avenue, which was excluded from Ordinance 2860-C.S. due to a Councilmember's conflict of interest, is hereby approved.

BE IT FURTHER RESOLVED that this resolution shall supplement Ordinance No. 3860-C.S. entitled "An Ordinance Adopting the Budget for the City of Modesto for the Fiscal Year Ending June 30, 1994, and Providing for Certain Transfers of Funds."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs, Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM;

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-357

A RESOLUTION AMENDING THE FINAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1992-93 TO PROVIDE FOR THE ESTABLISHMENT OF VARIOUS RESERVES AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE THE NECESSARY APPROPRIATION ADJUSTMENTS TO ESTABLISH SAID RESERVES PRIOR TO CLOSING THE BOOKS OF THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1993.

WHEREAS, it is necessary to establish various reserves to comply with the provisions of Article XIII B of the State Constitution, and

WHEREAS, the appropriations to establish said reserves must be made prior to the closing of the City of Modesto's books for fiscal year 1992-93,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following reserves to be established in the annual budget of the City of Modesto for the fiscal year 1992-93 and that the amounts of said reserves, including necessary adjustments to current appropriations, be as set forth below or as determined by the Director of Finance in accordance with the following:

Fund No. 010 - General Fund

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various

contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 050 - Local Transportation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 070 - Special Gas Tax Improvement

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 080 - Strategic Planning Fund

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 090 - Downtown Improvement District

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 111 - 117 - HCDA Title 1 / Housing

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 130 - Special Fund for Capital Outlays

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Funds No. 131-143 - Capital Facilities Fee Funds
Police Department (131), Fire Department (132), Expressway Loop (133), Street Lights (134), Parks (135), New Traffic Signals (136), Wastewater Treatment (137), Other City (138), Administration (139), Streets (141), Public Transportation (142), Air Quality (143).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 140 - Parks

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 150 - Parks and Recreation Facilities

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1992-93 fiscal year.

Fund No. 170 - State Parks and Recreation

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be

reappropriated in the 1993-94 fiscal year.

Fund No. 180 - McHenry Mansion

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Fund No. 280-340 - Drainage Area Funds
Crows Landing (280), Orchard (290), Claus Road (300), Oakdale (310), Sylvan (320), Ustick (330), Yosemite (340).

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Fund No. 600 - Parking

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 610 - Water

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 621 - Sewer

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 628 - Storm Drainage

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 631 - 632 - Airport

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 651 - 653 - Public Transit

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 660 - Golf

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

Fund No. 670 - Centre Plaza

Reserve for Commitments - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Reappropriated Projects - The amount necessary to complete projects appropriated in the 1992-93 fiscal year but which will be reappropriated in the 1993-94 fiscal year.

Fund No. 885 - Stanislaus County Drug Enforcement Agency

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 890 - Tuolumne River Regional Park

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Fund No. 900 - 907 - Redevelopment Agency

Reserve for Encumbrances - A reserve equal to the outstanding encumbrances at the end of the fiscal year which are scheduled for reappropriation in the following year. Amount to be determined when 1992-93 fiscal year books are closed.

Reserve for Contingencies - The fund balance not appropriated or reserved for other specified purposes to insure funding for the various contractual obligations for employee salaries and fringe benefits and for increases in material costs based on the current rate of inflation.

Reserve for Pending Projects - The amount required to fund projects approved but not yet appropriated.

BE IT FURTHER RESOLVED that said reserves are established as restrictions against fund balances in the General Ledger Accounts of the City of Modesto available for appropriation in the 1993-94 fiscal year, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-358

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FEDERAL REVENUE FOR THREE NEW CIP PROJECTS.

WHEREAS, the City was awarded federal funds for three projects, and

WHEREAS, these projects were included in the amended Federal Transportation Improvement Program (FTIP) submitted by SAAG, and

WHEREAS, the construction of these projects was budgeted in the 1993-94 CIP, the engineering portion was not budgeted because it was anticipated that the funds would be awarded during FY 1992-93, and the engineering portion would be budgeted at that time so that project construction could start as soon as possible, and

WHEREAS, this resolution appropriates funds for engineering as set forth below,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

Gas Tax Fund (070)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
070-430-D272-6010	H Street: 9th to 17th	$83,000
070-430-D274-6010	I Street: 6th to SPRR	22,000
070-160-D292-6010	Yosemite Blvd: 14th to Los Flores (Street Lights)	6,000
070-160-D292-6040	Yosemite Blvd: 14th to Los Flores (Street Lights)	1,000
070-800-8000-8003	Contingency Reserve	(14,000)

Revenues

070-510-9510-3504 Federal Share of Project $98,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-359

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE GRANT REVENUE FOR A NEW CIP PROJECT, THE EAST LA LOMA PARK PICNIC SHADE STRUCTURE.

WHEREAS, the City was awarded a grant under the Federal Land and Water Conservation Fund (LWCF) for the East La Loma Park Picnic Shade structure, and

WHEREAS, grants under the LWCF program require a fifty percent local match, approximately 6.4% of the project cost is added by the Federal government as a surcharge to be paid to the State Department of Parks and Recreation as a State Administrative Assessment, and

WHEREAS, the total project costs are estimated at $111,320, and the estimated grant amount is $52,098, the local match of $59,222 will be provided by Capital Facilities Fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

CFF Park Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
135-310-C227-6010	La Loma Shade Structure-engineering	$ 8,900
135-310-C227-6040	La Loma Shade Structure-construction	89,120
135-310-C227-6050	La Loma Shade Structure-contingency	4,400
135-310-C227-6060	La Loma Shade Structure-Construction admin	8,900
135-800-8000-8003	Parks Fund Contingency Reserve	(59,222)

Revenues

135-310- -3504 State Share of Project $52,098

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-360

Print

A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE STATE OF CALIFORNIA, UNDER THE FEDERAL LAND AND WATER CONSERVATION FUND FOR THE CONSTRUCTION OF A GROUP PICNIC SHADE STRUCTURE AT EAST LA LOMA NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement with the State of California, under the Federal Land and Water Conservation Fund, for the construction of a group picnic shade structure at East La Loma Neighborhood Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-361

A RESOLUTION AMENDING THE FISCAL YEAR 1992-93 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FEDERAL FUNDS FOR THE ATMS-SYSTEM DESIGN/ADMINISTRATION.

WHEREAS, the City actively pursued avenues for Federal funding and was successful in obtaining a $1.246 million grant from the Congestion Management and Air Quality (CMAQ) Funds, and

WHEREAS, the City is required to match this grant money with a contribution of approximately $161,000, said funds have been budgeted in the 1993-94 CIP, and

WHEREAS, to help the City carry out the second phase of the project, the City needs to hire a consultant who will prepare plans and specifications for installing the communication network in the rest of the city as per the conceptual plan, work with the system vendor in establishing connectivity between the communication network and the system, and ensure a working system, the resolution provides funding this portion of the project, and

WHEREAS, Caltrans, which is the administering agency for the CMAQ funds, authorizes the $1.246 million of CMAQ funds in steps; the first step is to hire the consultant, for which Caltrans has authorized $132,795; the City's match is $17,205,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

CFF Streets Fund

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
141-160-C226-6010	ATMS Design/System Administration Project	$150,000
141-160-P854-6040	ATMS System	(17,205)
Revenues		
141-430- -3504	Federal Share of Project	$132,795

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

/(

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-362

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND KITTELSON & ASSOCIATES, THE CONSULTANT FOR THE FIRST PHASE OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM DESIGN/SYSTEM ADMINISTRATION PROJECT, TO HELP THE CITY CARRY OUT THE SECOND PAHSE OF THE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Kittelson & Associates, the consultant for the first phase of the Advanced Traffic Management System Design (ATMS) Design/System Administration Porject, to help the City carry out the second phase of the project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-363

Print

A RESOLUTION DETERMINING THAT CANDIDATES FOR ELECTION TO THE CITY OF MODESTO OR THE MODESTO CITY SCHOOLS DISTRICT SHALL PAY THE COST OF THE CANDIDATE'S STATEMENT THAT IS PRINTED IN THE VOTERS' INFORMATION PAMPHLET.

WHEREAS, Section 10012(e) of the California Elections Code provides that prior to the nomination period for a local election, the local agency shall determine whether a charge shall be levied against candidates for the candidate's statement sent to each voter in the Voter Information Pamphlet for that election, and

WHEREAS, the Council has determined that candidates for election to the City of Modesto or the Modesto City Schools District in the November 2, 1993, Regular Municipal Election should pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that in accordance with the provisions of Section 10012 of the California Elections Code the Council hereby finds and determines that candidates for election to the City of Modesto or the Modesto City Schools District in the November 2, 1993, Regular Municipal Election in the City of Modesto shall pay the cost of the candidate's statement that is sent to each voter in the Voter Information Pamphlet for that election.

BE IT FURTHER RESOLVED that the City Clerk, as the officer charged with overseeing conduct of the election, is hereby authorized to establish the pro rata fees to be paid by each candidate filing a candidate's statement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY G. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-364

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING RIGHT OF ENTRY FROM SIDNEY EARL CARPER AND VIOLET LINEL CARPER FOR THE BRIGGSMORE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sidney Earl Carper and Violet Linel Carper for the acquisition of 450 square feet of their property for the Briggsmore widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the Right of Entry from Sidney Earl Carper and Violet Linel Carper for the Briggsmore widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-365

A RESOLUTION ADOPTING FORMAL HEARING PROCEDURES FOR ADJUDICATING PARKING CITATIONS.

WHEREAS, with the passage of Assembly Bill-408, cities have been given total control over the issuing, processing and adjudication of locally issued parking citations, and

WHEREAS, cities have been given the responsibility to develop a fair and equitable procedure for adjudicating parking citations which may have been improperly issued, thus, AB-408 takes parking fines adjudication out of the courts and gives the responsibility to cities and other agencies, and

WHEREAS, AB-408 will become law on July 1, 1993, with the provisions concerning the establishment of an administrative review procedure to be phased in, and fully implemented by January 1, 1994,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Assembly Bill-408, the City of Modesto hereby adopts Administrative Adjudication Procedures for the City of Modesto to be implemented July 1, 1993, a copy of which is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cpgdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-366

Print

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and

Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-367

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT RELATING TO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 89-459 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, the Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-368

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN HILLVIEW ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, JFK Construction, subdividers of Hillview Estates Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $ 78,700.00 and $ 39,350.00 respectively to guarantee improvements in Hillview Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated June 11, 1993, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Hillview Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $ 78,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $ 39,350.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Freidman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-369

A RESOLUTION APPROVING THE FINAL MAP OF THE CREEKWOOD MEADOWS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, CREEKWOOD MEADOWS INVESTORS, a California general partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 16.456 acres, known as the Creekwood Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 4th day of June, 1991, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Creekwood Meadows Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and

that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-370

Print

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Data Processing Technician

Fire Supply Specialist

Nursery Propagator

Public Services Supervisor

The specifications for the above classifications are abolished to bring the City's Position Classification Plan into conformance with current employment status within the various city departments.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 22, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

06/17/93--CA

MODESTO CITY COUNCIL
RESOLUTION NO. 93-371

A RESOLUTION AMENDING EXHIBIT "M" OF RESOLUTION NO. 91-464 ENTITLED, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 90-608".

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective June 22, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "M" increases the salary for Finance Director from salary range 715 ($5266-$6584) to salary range 717 ($5534-$6918).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 22, 1993.

06/17/93--CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

06/17/93--CA

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 22, 1993

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3917	4896
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager Personnel Director	5013	6267
714			
715	Planning & Comm. Dev. Director	5266	6584
716			
717	Finance Director	5534	6918
718			
719			
720	Parks & Recreation Director Fire Chief	5960	7450

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 22, 1993

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	City Attorney Police Chief	6261	7826
723	Public Works and Transportation Director	6418	8022
724	Deputy City Manager	6578	8222
725			
726			
727			
728	City Manager	7261	9077

MODESTO CITY COUNCIL
RESOLUTION NO. 93-372

Print

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS, TO EXTEND THE COMPLETION DATE FROM JULY 1, 1993, TO JULY 1, 1994 FOR INSTALLING WHEELCHAIR RAMPS AND TRAFFIC SIGNAL MODIFICATIONS ON MCHENRY AVENUE (STATE HIGHWAY 108) AND MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Caltrans to extend the completion date from July 1, 1993, to July 1, 1994 for installing wheelchair ramps and traffic signal modifications on McHenry Avenue (State Highway 108) and Morris Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST:

JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-373

Print

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR WIDENING THE SOUTH SIDE OF SCENIC DRIVE EAST OF COFFEE ROAD TO ROSE AVENUE

WHEREAS, Resolution No. 93-284 , adopted by the Council of the City of Modesto on May 11 , 1993 , approved the plans and specifications for widening the south side of Scenic Drive east of Coffee Road to Rose Avenue and authorized the calling for bids; and

WHEREAS, the bids received for widening the south side of Scenic Drive east of Coffee Road to Rose Avenue were opened at 11:00 a.m. on June 10, 19 93 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of George Reed, Inc. in the amount of $180,948

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of $180,948 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June , 19 93 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-374

Print

A RESOLUTION ACCEPTING THE AIRPORT TERMINAL APRON RECONSTRUCTION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the Airport Terminal apron reconstruction

has been completed by Teichert Construction Company in accordance with the contract agreement dated September 24, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Airport Terminal apron reconstruction

be accepted from said contractor, Teichert Construction Company ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $123,939.88 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-375

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,000 FROM CONTINGENCY RESERVE TO HELP FUND THE AIRPORT TERMINAL APRON RECONSTRUCTION PROJECT

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

FROM:	Airport Contingency Reserve (631 800 8000 8003)	$4,000.00
TO:	Aircraft Parking Apron Reconstruction (632 480 G586 6050)	2,500.00
	Construction Administration (632 480 G586 6060)	1,500.00

Unanticipated construction time and testing services were performed to insure installation of materials on the project to meet strick Federal Aviation Administration requirements, resulting in a shortfall to the approved budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd **day of** June , **19** 93 , **by Councilmember** Patterson, **who moved its adoption, which motion being duly seconded by Councilmember** Dobbs , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: **Councilmembers:** Bird, Cogdill, Dobbs, Friedman Patterson, Mayor Lang

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-376

A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE FOR FURNISHING TIRE RECAPPING AND SERVICE REQUIREMENTS

WHEREAS, Resolution No. 93-286 , adopted by the Council of the City of Modesto on May 11 , 1993 , approved the plans and specifications for the purchase of tire recapping and service requirements

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing tire recapping and service requirements were opened at 11:10 a.m. on June 7, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Brannon Tire in the amount of $27,448

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Brannon Tire in the amount of $27,448

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June , 1993 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-377

A RESOLUTION ACCEPTING WITH REGRET, THE RESIGNATION OF TOM ROBINSON FROM THE GENERAL PLAN STEERING COMMITTEE, EFFECTIVE JUNE 22, 1993

WHEREAS, Tom Robinson was appointed a member of the General Plan Steering Committee on August 25, 1992; and

WHEREAS, Tom Robinson has tendered his resignation from the General Plan Steering Committee effective June 22, 1993; and

WHEREAS, Tom Robinson has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Tom Robinson from the General Plan Steering Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Tom Robinson for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-378

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

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

SECTION 1. The specifications for the Senior Citizens Center wall modifications project , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 29, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 93-379

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

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

SECTION 1. The specifications for the rockwell replacement/addition 1993-94 project , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 5, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-380

Print

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR THE MELLIS, SENIOR CITIZENS AND BEYER PARKING AREAS REHABILITATION

WHEREAS, the parking areas of Mellis, Senior Citizens and Beyer are in need of a routine maintenance activity called seal coating and/or slurry sealing; and

WHEREAS, informal bids were received with Graham Contractors, Inc. submitting the low bid of $22,009.02.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Graham Contractors, Inc. in the amount of $22,009.02 be accepted and the execution of a contract for the completion of the projects by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-381

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION FOR THE STREET OVERLAYS ON OAKDALE ROAD AND SYLVAN AVENUE

WHEREAS, Resolution No. 93-271 **, adopted by the Council of the City of Modesto on** May 4 **, 19** 93 **, approved the plans and specifications for** the street overlays on Oakdale Road and Sylvan Avenue

and authorized the calling for bids; and

WHEREAS, the bids received for the street overlays on Oakdale Road and Sylvan Avenue **were opened at** 11:00 a.m. **on** May 27, **19** 93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Granite Construction, Inc., in the amount of $474,985.00 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Granite Construction Inc., in the amount of $474,985.00 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-382

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $101,639.00 FOR THE STREET OVERLAYS ON OAKDALE ROAD AND SYLVAN AVENUE

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

The street overlays on Oakdale Road and Sylvan Avenue were originally budgeted in two accounts. The appropriation transfer will combine the two project accounts into a single account (070 430 C877) to facilitate project tracking.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July , **19** 93 , **by Councilmember** Friedman , **who moved its adoption, which motion being duly seconded by Councilmember** Bird , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: **Councilmembers:** Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** None

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-383

Print

A RESOLUTION ACCEPTING THE BID OF H. MAX LEE, INC. FOR THE BEYER PARK PARKING AREA REHABILITATION PROJECT

WHEREAS, Resolution No. 93-315 **, adopted by the Council of the City of Modesto on** June 1 **, 19**93 **, approved the plans and specifications for** the Beyer Park parking area rehabilitation project

and authorized the calling for bids; and

WHEREAS, the bids received for the Beyer Park parking area rehabilitation project **were opened at** 11:00 a.m. **on** June 24, **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** H. Max Lee, Inc. in the amount of $34,000.20

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of H. Max Lee, Inc. in the amount of $34,000.20 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-384

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS, STRIPING AND ROADWAY MODIFICATIONS AT SISK ROAD AND PELANDALE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the traffic signals, striping and roadway modifications at Sisk Road and Pelandale has been completed by Richard A. Heaps Electrical Contractor, Inc. in accordance with the contract agreement dated June 23, 1992.

NOW, THEREFORE, BE IT RESOLVED that the raffic signals, striping and roadway modifications at Sisk Road and Pelandale be accepted from said contractor, Richard A. Heaps Electrical Contractor; Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $130,864.74 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-385

A RESOLUTION ACCEPTING THE BID OF WASTEWATER SOLIDS MANAGEMENT FOR FURNISHING DIGESTER CLEANING SERVICE REQUIREMENTS

WHEREAS, Resolution No. 93-268 **, adopted by the Council of the City of Modesto on** May 4 **, 19**93 **, approved the plans and specifications for** the purchase of digester cleaning service requirements

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing digester cleaning service requirements **were opened at** 11:00 a.m. **on** May 24, **19**93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Wastewater Solids Management in the amount of $23,790 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wastewater Solids Management in the amount of $23,790.00 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-386

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF VOLUMETRIC WATER METER CALIBRATION SERVICES FROM WATER SPECIALTIES CORP.

WHEREAS, the Water Operations Division of Public Works & Transportation has requested the purchase of volumetric water meter calibration services; and

WHEREAS, Water Specialties Corporation of Porterville, California is the only manufacturer that can provide the required accuracy testing of any and all size meters.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of volumetric water meter calibration services is hereby waived.

BE IT FURTHER RESOLVED that purchase of volumetric water meter calibration services from Water Specialities Corp. for the total cost of $38,951 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-387

Print

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1993-94.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

> The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 20th day of July, 1993, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-388

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1993-94.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10 and that the existing improvements to be made in said assessment district are generally described as follows:

> The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 20th day of July, 1993, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

(19)

MODESTO CITY COUNCIL
RESOLUTION NO. 93-389

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMPSON-HYSELL, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE WIDENING OF CLAUS ROAD FROM GOMES ROAD TO MID LATERAL NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Thompson-Hysell, Inc. to provide engineering services for the design of the widening of Claus Road from Gomes Road and MID Lateral No. 2

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-391

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORTHWEST PROFESSIONAL CENTER FOR THE ACQUISITION OF 2,525 SQUARE FEET OF THEIR PROPERTY FOR THE BRIGGSMORE WIDENING PROJECT AND ACCEPTING RIGHT OF ENTRY FROM NORTHWEST PROFESSIONAL CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Northwest Professional Center for the acquisition of 2,525 sq. ft. of their property for the Briggsmore widening project and accepting right of entry from Northwest Professional Center

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-392

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM ALBERT E. AND CELESTE S. NAVARRA FOR THE BRIGGSMORE AVENUE WIDENING PROJECT.

WHEREAS, the City Council recently awarded a contract to widen Briggsmore Avenue, and

WHEREAS, Albert E. and Celeste S. Navarra have agreed to give the City of Modesto a right of entry which will allow the contractor to proceed with said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry from Albert E. and Celeste S. Navarra for the Briggsmore Avenue widening project is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its

adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

RESCINDED
1994-345
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-393

A RESOLUTION ESTABLISHING A PASSENGER FACILITY CHARGE (PFC) ON ENPLANING FLIGHTS AT MODESTO CITY-COUNTY AIRPORT.

WHEREAS, with the passage of the Aviation Safety and Capacity Act of 1990, Congress adopted a Passenger Facility Charge (PFC) program, and

WHEREAS, if approved by the Federal Aviation Administration (FAA), the nation's airports could collect a Passenger Facility Charge not to exceed $3.00 per passenger enplaned by the airlines serving their communities, and

WHEREAS, the money collected would be to provide needed improvements for capacity, safety and security of the air transportation system, to promote competition, reduce noise and expand passenger facilities, and

WHEREAS, the collection of the PFC is a responsibility of the airlines, while distribution of the funds rests with the FAA, and

WHEREAS, because the PFC regulation allows only four airports on a round trip fare to charge a facility charge, the maximum charge is $12 per passenger, and

WHEREAS, once a sponsor's (City or other airport owner) application is approved, they are authorized to use a PFC to match Airport Improvement Program (AIP) funds, and

WHEREAS, over the next 5-10 years airport staff will be recommending that approximately $3,435,470 of City and Federal

funds be spent on federally eligible airport improvement projects, and

WHEREAS, staff's recommendation is to submit an application for a seven-year PFC program, which is expected to raise approximately $630,000 for needed projects, and

WHEREAS, a City residential soundproofing program becomes necessary due to aircraft noise, staff will ask the FAA to either revise the City's existing program or will submit an application for a different and separate period of time, and

WHEREAS, depending on how soon noise impacts City residents, as much as $838,500 of City funds might be necessary to mitigate aircraft noise, and

WHEREAS, the collection of the PFC has been reviewed by the Airport Advisory Committee and the Transportation Policy Committee, and they have recommended approval of the PFC, and

WHEREAS, a duly noticed public hearing was set for June 8, 1993, at 4:00 p.m., in the City Hall Council Chambers, 801 11th Street, Modesto, California, to consider assessing a Passenger Facility Charge of $3.00 on each airline passenger enplaning a flight at the Modesto City-County Airport, and

WHEREAS, after said public hearing the Council, by motion, directed City staff to prepare the necessary documents for Council action to establish such a charge, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Passenger Facility Charge of $3.00 is hereby established, pending approval of an application to be filed with the Federal Aviation Administration, pending final adoption of an amendment to Modesto Municipal Code Section 7-3.401 authorizing the City Council to establish a PFC by resolution, and the collection of said Passenger Facility Charge shall become effective March 1, 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-393A

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR APPROVAL OF A PASSENGER FACILITY CHARGE (PFC) ON ENPLANING FLIGHTS AT MODESTO CITY-COUNTY AIRPORT.

WHEREAS, with the passage of the Aviation Safety and Capacity Act of 1990, Congress adopted a Passenger Facility Charge (PFC) program, and

WHEREAS, if approved by the Federal Aviation Administration (FAA), the nation's airports could collect a PFC fee not to exceed $3 per passenger enplaned by the airlines serving their communities, and

WHEREAS, the money collected would be to provide needed improvements for capacity, safety and security of the air transportation system, to promote competition, reduce noise and expand passenger facilities, and

WHEREAS, the collection of the PFC is a responsibility of the airlines, while distribution of the funds rests with the FAA, and

WHEREAS, once a sponsor's (City or other airport owner) application is approved, they are authorized to use a PFC to match Airport Improvement Program (AIP) funds, and

WHEREAS, over the next 5-10 years airport staff will be recommending that approximately $3,435,470 of City and Federal funds be spent on federally eligible airport improvement

projects, and

WHEREAS, staff's recommendation is to submit an application for a seven-year PFC program, which is expected to raise approximately $630,000 for needed projects, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the FAA for approval of a Passenger Facility Charge of $3.00 per passenger enplaned by the airlines at the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-394

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FROM QUALIFIED CONSULTANTS TO CHARACTERIZE THE OCCURRENCE OF DIBROMOCHLOROPROPANE (DBCP) AND ETHYLENEDIBROMIDE (EDB) IN THE CITY'S GROUNDWATER SUPPLY.

WHEREAS, several City wells are contaminated by the pesticides Dibromochloropropane (DBCP) and Ethylenedibromide (EDB), and

WHEREAS, the City needs information concerning the nature and extent of DBCP/EDB contamination in the area surrounding the City which is the City's source of groundwater, and

WHEREAS, City staff desires to begin solicitation of a consultant to characterize the occurrence of DBCP and EDB in the City's groundwater supply, this would be a study to evaluate one year's data which must be completed by late 1994, and the subject of the study is a very complex geotechnical analysis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to qualified consultants to characterize the occurrence of Dibromochloropropane (DBCP) and Ethylenedibromide (EDB) in the City's groundwater supply for the purpose of performing a study to evaluate one year's data which must be completed by late 1994, as the City needs information concerning the nature and extent of DBCP/EDB contamination in the

area surrounding the City which is the City's source of groundwater.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Post-it® Fax Note 7671	Date 8-8-01	# of pages ▶
To Mike Blevins	From Jackie	
Co./Dept.	Co. City Clerk	
Phone # 577-6373	Phone # 577-5396	
Fax # 525-9311	Fax #	

07/06/93 OP0N0X00/CA/rh

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MODESTO CITY COUNCIL
RESOLUTION NO. 93-395

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE MODESTO IRRIGATION DISTRICT (MID) DRINKING WATER PROJECT - TERMINAL RESERVOIR.

WHEREAS, on May 26, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Modesto Irrigation District (MID) Drinking Water Project - Terminal Reservoir project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC

including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
1994-2
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-396

A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING RESOLUTION NO. 93-354.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, effective August 1, 1991, by Ordinance No. 2776-C.S., the City Council approved the establishment of the Storm Drainage Surcharge, to support storm drainage operations, street sweeping, and to respond to Federal regulations requiring the City to obtain a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit. This action included a senior and disabled citizen discount, and a reduction in the rate for schools, and

WHEREAS, said ordinance provided that the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged and the method of collecting the surface water runoff sewer surcharge for properties outside the boundaries of the city limits for those properties which discharge into the City's storm drain system, and

WHEREAS, on February 18, 1992, by Resolution No. 92-85, the Council established adjustments in sewer storm drainage surcharges for lots with no curbs and gutters, and

WHEREAS, on February 25, 1992, by Resolution No. 92-100, the City Council addressed equitability questions and made certain adjustments in this revenue program for multi-family residential and non-curb customers, and

WHEREAS, further equitability issues have arisen which can be resolved by establishment of a mixed use land use designation for sewer surcharges, and

WHEREAS, on July 6, 1993, the City Council has considered establishment of such a designation, and

WHEREAS, as a recipient of State Grant Funds, the City of Modesto is required to develop a service area and a sewer revenue program in compliance with requirements and guidelines established by the State Water Resources Control Board. Said State requirements are developed to comply with Section 204(b)(1) of the Clean Water Act, Federal and State regulations and policies of the Water Resources Control Board, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural": shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial": shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel": shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex": shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government": shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital": shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial": shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential": shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

Density Category	Property Sq. Ft. Per Dwelling Unit
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home": shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit": shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations": shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel": shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks": shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries: shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools": shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential": shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

17. "Transportation/Utilities": shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped": shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	$10.04
Each dwelling unit in a duplex	7.84
One additional dwelling unit or mobile home on a lot	7.84
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	6.46

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	Sewer Service Charges Per 1000 Gals. of Water Used
Group 1	$1.66
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
Group 2	1.93
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
Group 3	2.35
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
Group 4	2.82
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	$20.85
Group 2	24.02
Group 3	29.45
Group 4	35.33

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths

($1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $678.13 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $80.20 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $73.83 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which

said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	$3.59
Each dwelling unit in a duplex	2.49
One additional dwelling unit or mobile home on a lot	2.49
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	2.49
Billing Fee	0.39

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on

the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

Land Use	Intensity of Development Factor (IDF)
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

ARN	Square Footage of Property
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

Square Footage of Property	Monthly Charge
0-3500 SF	$1.57
3501-7000 SF	3.08
7000 + SF	4.62

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.92.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 6, 1993.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 93-354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-397

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY AND TRANSMIT TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS AS THE CONGESTION MANAGEMENT AGENCY AN ANNUAL SELF-CERTIFICATION CHECKLIST FOR THE CONGESTION MANAGEMENT PROGRAM.

WHEREAS, as a requirement of the Congestion Management Program which became effective on July 1, 1992, City staff has recommended that the City Council authorize the City Manager to sign and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Congestion Management Plan Annual Self-Certification Checklist for 1993 which has been reviewed and approved by the Transportation Policy Committee, and

WHEREAS, the self-certification serves two purposes: 1) It is one basis for determining each local jurisdiction's compliance with the Congestion Management Program, and 2) it also provides an opportunity for local jurisdictions to contribute input to the Congestion Management Program process and to identify possible additions to the Congestion Management Program System and Capital Improvement Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Congestion Management Plan Annual Self-Certification Checklist for 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Coggill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

07/14/93 OP0N0XRO/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-398

A RESOLUTION IN SUPPORT OF AMTRAK SERVICE TO MODESTO.

WHEREAS, the Council of the City of Modesto strongly supports AMTRAK service which is convenient to its citizens and provides fast intercity service at a reasonable cost, and

WHEREAS, the major population centers long the San Joaquin Valley rail corridor are nearest to the Southern Pacific line, and

WHEREAS, Caltrans has determined that AMTRAK service on the Atchison, Topeka and Santa Fe Railroad will require $41.6 million less than comparable service on the Southern Pacific Railroad at the six trains per day each way service level, and

WHEREAS, the City of Modesto has made a $6 million commitment to a multi-modal facility on the Southern Pacific line in its downtown,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City on a long-term basis supports AMTRAK service on the Southern Pacific tracks, especially commuter service.

BE IT FURTHER RESOLVED that the City supports short- and medium-term service on the Santa Fe lines as long as intercity service can be provided more quickly than the Southern Pacific line and at a relatively competitive cost to our citizens including travel time costs to access AMTRAK service.

BE IT FURTHER RESOLVED that the City supports continued use of the multi-modal station downtown and the provision of shuttle service from the Downtown Transportation Center to the AMTRAK service on the Atchison, Topeka and Santa Fe line.

BE IT FURTHER RESOLVED that the City believes that the need for shuttle service between the AMTRAK service on the Atchison, Topeka

and Santa Fe line and the Modesto Downtown Transportation Center is the result of the decision to use the Atchison, Topeka and Santa Fe line for such AMTRAK service and should be funded by Caltrans as part of the rail transportation envisioned under Proposition 116.

BE IT FURTHER RESOLVED that the City believes that it is in the interest of its citizens for a station in much closer proximity to our population center on the Atchison, Topeka and Santa Fe line and requests that Caltrans review the feasibility of a station in the immediate vicinity of Modesto.

BE IT FURTHER RESOLVED that the City believes that it is important and appropriate for Caltrans to identify how the $60 million which was identified in Proposition 116 for rail service to specific cities in the San Joaquin Valley will in fact be spent on rail service to those cities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D MILICH, City Attorney

062993

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MODESTO CITY COUNCIL
RESOLUTION NO. 93-399

AMENDED

A RESOLUTION APPROVING AN/AGREEMENT BEIWEEN THE CITY OF MODESTO AND CERTIFIED/EARTHMETRICS TO PROVIDE ADDITIONAL ANALYSIS OF THE GENERAL PLAN STEERING COMMITTEE'S PRIMARY ALTERNATIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that amended **the/agreement between the City of Modesto and** Certified/Earthmetrics to provide additional analysis of the General Plan Steering Committee's Primary Alternative

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Lang **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs, Friedman

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-400

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $29,947 FROM CONTINGENCY RESERVE TO PREPARE THE "CONSTRAINTS ANALYSIS" OF THE GENERAL PLAN STEERING COMMITTEE'S PRIMARY LAND USE ALTERNATIVE

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

FROM:	Strategic Planning Fund Contingency Reserve (080-800-8000-8003)	$29,947
TO:	Professional and Contract Services (080-140-1432-0235)	$29,947

Funds are needed to prepare the "Constraints Analysis" of the General Plan Steering Committee's Primary Land Use Alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th **day of** July **,** 19 93 **, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Lang **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	Dobbs, Friedman
ABSENT:	**Councilmembers:**	None

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-401

Print

A RESOLUTION DESIGNATING THE EARTH RAMMED HOUSE AT 1027 ENSLEN AVENUE AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on May 17, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 22, that the Earth Rammed House at 1027 Enslen Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, a history of the Earth Rammed House at 1027 Enslen Avenue is set forth as attached hereto, and

WHEREAS, after a public hearing held on July 13, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found

and determined that the Earth Rammed House at 1027 Enslen Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 1027 Enslen Avenue is more particularly described as follows:

> All that portion of the southeast quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:
>
> Parcel B as shown on that certain parcel map filed in Volume 28 of Parcel Maps, at Page 47, Stanislaus County Records, recorded on December 29, 1978, in the office of the County Recorder, Stanislaus County.

BE IT FURTHER RESOLVED that the Earth Rammed House at 1027 Enslen Avenue has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The house is architecturally significant as an example of a rammed earth structure. It was constructed by Owen Bradley in 1934.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Linda Boston
PUBLIC WORKS DEPARTMENT
Engineering Division

The Earth Rammed House at 1027 Enslen Avenue

Stewart Bradley
3524 Merrill Avenue

The Bradley family has been in California since the 1850's. Stewart's grandfather came to Modesto in 1908. Mrs. Adrienne Bradley's father came to Modesto in 1910, a dairyman, Adrienne's father has his duck hunting grounds at Enslen Park. The Northern boundary of his land was at Carver and Clayton. The Prescott Community Hall was located on land that Stewart's grandfather donated. He was a very religious man, and one provision of the deed was that no drinking or dancing be allowed on the property. Another provision stipulated that when the property was no longer being used as a community project, it went back to the heirs. Fortunately, it went to Adrienne Bradley and her sisters.

Stewart attended Enslen School as a child and then the old Roosevelt School, and later on Modesto High. But he was only 6 years old in the early thirties when his father finished building the house at 1027 Enslen entirely by hand. The family story is that his parents had some money in the Modesto Saving sand Loan at the time, and when they wanted to withdraw the money, the bank said they couldn't have it. So they decided to build a house and get a loan, which was the way they could take their money out.

During the thirties, Owen Bradley and his brothers went to work for Modesto City School, where his hours were 5:00 am to 2 or 3 in the afternoon, which allowed him to work on the house.

He built a wedge approximately eight inches wide with a weight on it, and he would shovel dirt into to this form. A 2 x 2 held it together. The soil had to have the proper moisture content - not too moist, not dry - to get the rammed earth to stay together. The garage wall was the first wall built, and never had a foundation underneath it. It's just dirt on dirt, and to this day the wall is still firm. One reason the Bradley's bought where they did was that the soil there was adobe type clay, and the 24-inch thick walls don't crack. Moist "adobe" houses are built of bricks containing asbestos, asphalt, concrete, straw, or horse manure to bind the bricks together.

The house is approximately 1300 square feet, with 3 bedrooms. The doors are made of 2 x 6's or 2 x 8's. The beams in the front room, which originally came around the Horn on a sailing ship, had been the foundation of a house in Stockton. Owen Bradley hewed them by hand. The tile in the kitchen is all used tiles from a wrecking yard - Mrs. Bradley put this together. The bunk bed was an 8 x 8 beam between the adobe wall and the stucco inside wall with just a board underneath and a mattress on top. Coves were left in the walls for a telephone or bookshelf. The floor in the front room are made of oak; the bedrooms and dining room have pine floors. The interior walls are stucco, done by the Edwards family of Modesto.

In 1954, Stewart and his father built two more rammed houses, but Stewart used an air compressor for tamping instead of using his arm. The Edwards family did the interior walls in these houses too, and they are still in the business. There is another earth rammed house on Lakewood St., and the is rumor of one on Mono St., but the house at 1027 Enslen is the first here in Modesto and is genuine earth.

Print

RESOLUTION NO. 93-402 unused

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-403

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO P-O. (TIM FISHER/ ARCHITECTURE PLUS)

WHEREAS, on April 28, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, to Professional Office Zone, P-O, property located on the north side of East Orangeburg Avenue between Nelson and Melrose Avenues might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

Modesto as follows:

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-404

Print

A RESOLUTION ACCEPTING THE BID OF VALLEY SLURRY SEAL COMPANY FOR THE 1993 STREET CAPE SEALS

WHEREAS, Resolution No. 93-323 **, adopted by the Council of the City of Modesto on** June 8 **, 19**93 **, approved the plans and specifications for** the 1993 street cape seals

and authorized the calling for bids; and

WHEREAS, the bids received for the 1993 street cape seals

were opened at 11:00 a.m. **on** July 1, **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Valley Slurry Seal Company in the amount of $350,772.55 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Valley Slurry Seal Company in the amount of $350,772.55 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th **day of** July **,** 19 93 **, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Muratore**, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-405

Print

A RESOLUTION AUTHORIZING THE PURCHASE OF A SECOND FIRE APPARATUS(TRUCK)FROM GOLDEN STATE FIRE APPARATUS INC.

WHEREAS, by Resolution 92-697, bids were opened on January 25, 1993, for furnishing a fire apparatus (truck); and

WHEREAS, the successful bid submitted by Golden State Fire Apparatus offered subsequent fire apparatuses at lower prices through July 15, 1993; and

WHEREAS, the Fire Department has requested a fire apparatus to replace one 1977 Van Pelt fire apparatus that will be placed in reserve status.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of a second fire apparatus (truck) from Golden State Fire Apparatus, Inc. for a total price of $255,438.40 be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seocnded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-406

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TRANSOCEAN FUNDING, INC. FOR FINANCING OF A FIRE APPARATUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement with Transocean Funding, Inc. for financing of a fire apparatus be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-407

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR THE LEASE PURCHASE OF A FIRE APPARATUS.

WHEREAS, the City authorized a lease purchase of a Fire Apparatus, and

WHEREAS, the 93-94 estimated lease payment amount was included in the 1993-94 budget, and

WHEREAS, this asset cost is $255,439, and

WHEREAS, it is necessary to estimate this revenue and budget the expenditure in order to properly account for the asset,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is hereby approved:

Special Fund for Capital Outlays

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
130-180-D360-6070	Fire Apparatus 1993-94	$268,856
Revenues		
130-510-9510-8301	Other Financing Sources	$268,856

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-408

Print

A RESOLUTION ACCEPTING THE RIP RAP REPAIR AT STORAGE PONDS ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the rip rap repair at the storage ponds on Jennings Road

has been completed by Glen Wilson Trucking, Inc.
in accordance with the contract agreement dated March 23, 1993.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair at the storage ponds on Jennings Road

be accepted from said contractor, Glen Wilson Trucking, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $45,774.49 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-409

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MID-BLOCK CROSSWALK ON ARDMOR AVENUE 205 FEET NORTH OF ORANGEBURG AVENUE.

WHEREAS, it is deemed desirable to establish a mid-block crosswalk at a certain location in the City of Modesto to facilitate street crossing by pedestrians, and

WHEREAS, Section 21106(a) of the Vehicle Code of the State of California provides that local authorities, by ordinance or resolution, may establish crosswalks between intersections,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Works and Transportation Director is hereby directed to establish, designate and maintain a mid-block crosswalk as hereinafter set forth, and to designate such mid-block crosswalk by appropriate devices, marks or lines upon the surface of the roadway:

Across Ardmor Avenue 205 feet north of Orangeburg Avenue as shown on Exhibit "A" attached hereto and made a part hereof as though set forth in full herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July , 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

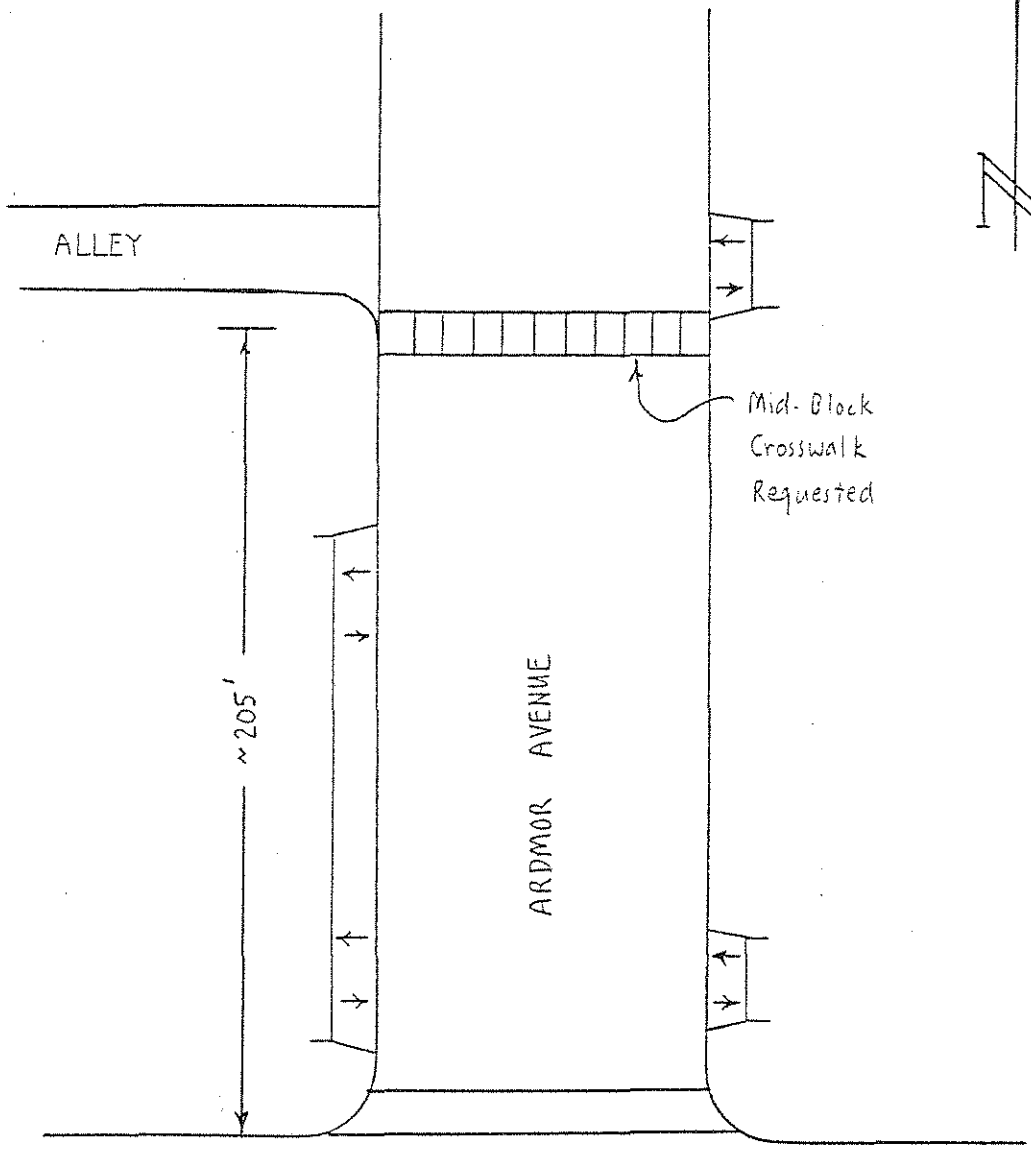
AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney



APPROVED BY: DIRECTOR:	TRAFFIC	CITY OF MODESTO
CIVIL ENGINEER NO.		DRAWING NO.
INSPECTED: DATE:		
DATE: DRAWN: CHKD:		

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-410

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES TO SWORN POLICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide mental health services to sworn Police officers

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-411

Print

A RESOLUTION ESTABLISHING THE INTENT OF THE CITY COUNCIL TO NAME A PARK IN VILLAGE ONE THE "MARY E. GROGAN COMMUNITY PARK."

WHEREAS, Mary E. Grogan served as an employee of the City of Modesto Parks and Recreation Department for over forty years, and

WHEREAS, Mary E. Grogan served the last twenty-eight years of her employment with the City as the City of Modesto Parks and Recreation Director, and

WHEREAS, the City Council recognizes that Mary E. Grogan's dedication and vision are responsible for most of the City's parks and recreational opportunities, and

WHEREAS, upon Mary E. Grogan's retirement in 1992, City Councilmembers unanimously expressed their desire to pay tribute to Mary E. Grogan and expressed their intent to name a community park in Village One in honor of Mary E. Grogan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in recognition of Mary E. Grogan's dedication during her forty years of employment with the City of Modesto, and in tribute of her service to the community as the City Parks and Recreation Director, and in appreciation of her vision for City parks and recreational opportunities which have become a reality for the citizens of Modesto, it is the intent of the Council to officially name the park in Village One the "Mary E. Grogan Community Park".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-412

Print

A RESOLUTION ESTABLISHING A NON-SALARIED HONORARY POSITION TO BE KNOWN AS "THE POET LAUREATE OF THE CITY OF MODESTO" AND APPROVING THE POLICY FOR SAID POSITION.

WHEREAS, it is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried honorary position to be known as "The Poet Laureate of the City of Modesto", and

WHEREAS, The Poet Laureate would present original poems at various official occasions, and

WHEREAS, a copy of the recommended City of Modesto Policy regarding said non-salaried honorary Poet Laureate position is attached,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a non-salaried honorary position of to be known as "The Poet Laureate of the City of Modesto".

BE IT FURTHER RESOLVED that the attached policy regarding said Poet Laureate position is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto Policy Regarding

Poet Laureate

It is the desire of the Culture Commission and the Modesto City Council to establish a non-salaried position to be known as *The Poet Laureate of the City of Modesto,* and that this position, while largely honorary, would carry with it certain expectations and obligations.

I. Qualifications

A. Those nominated for this position should have reputations within the community as creators and lovers of poetry.

B. Those nominated for this position should have some public speaking ability.

C. Those nominated for this position should be published authors.

II. Terms of Office

A. The normal term of office shall be for two years, commencing on the first day of July.

B. An individual may serve no more than four consecutive years.

III. Nomination/Selection Procedure

A. At least three months prior to the ending of a term, the Culture Commission shall announce the vacancy, and declare itself open for nominations.

B. Nominations may come from any citizen of the City of Modesto.

C. Nominations will be received by the Department of Parks and Recreation.

• An Application/Nomination Form is attached to this document for use by those wishing to apply or to nominate someone else for the position.

D. The Poets' Corner Committee (a sub-committee established by the Modesto Culture Commission in 1982) will review and screen the nominations, selecting two for further consideration by the Culture Commission.

E. The Culture Commission will make the final recommendation to the Modesto City Council.

F. The City Council will formally appoint an individual to the position.

G. The Mayor will notify the selected poet by way of a letter of congratulations.

IV. Continuity

A. The Poets' Corner Committee will maintain a list of all eligible nominated poets, and review this entire list every two years (or more frequently if necessary) before making subsequent selections.

B. Persons who have published new works, received additional awards, or feel that in other ways their Applications should be updated are encouraged to do so at any time.

C. Poems created by the Poet Laureate while acting in a formal capacity will be preserved in a book by the Poets' Corner Committee as part of their collection on the Poets' Bookshelf at the McHenry Museum.

—continued—

V. Expectations

A. The Poet Laureate will be expected to present a poem written especially for the event at a variety of Special Occasions involving the City of Modesto. These would include, but not be limited to, such activities as:

1. Installation of new City Council members, or new Mayor
2. Sister City receptions
3. Dedications of new city buildings
4. Openings of various cultural events
5. Civic and community functions not directly involving city government, as invited
6. Other events and occasions befitting the Poet Laureate's position

B. The Poet Laureate will be expected to present an original poem which will be included in each *Anthology* of the Poets' Corner Contest, beginning in 1994.

C. The Poet Laureate will be expected at all times to be an ambassador for the literary arts to the community.

City of Modesto
Application/Nomination Form
Poet Laureate

Name _____

Address _____

Phone _____

Published Works
(List by Title and Date) _____

_____

_____

Publications
Containing Works
(Dot include
Vanity Publications) _____

_____

_____

Literary
Organizations
of which you
are a member _____

_____

_____

Awards and
Recognition
you have won _____

_____

_____

Brief
Biographical Sketch _____

_____

_____

_____

_____

_____

_____

_____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-413

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $50,000 FROM CONTINGENCY RESERVE TO FUND THE BALANCE OF SETTLEMENT TO HACKETT ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF CREEKSIDE GOLF COURSE

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

FROM: Golf Course Contingency Reserve $50,000

TO: Dry Creek Golf Course CIP account $50,000

These funds are needed to pay the balance of the settlement to Hackett Environmental Systems, Inc. for the construction of Creekside Golf Course, accepted as complete on May 4, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th **day of** July **,** 19 93**, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Corrected 7/22/93

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-414

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE FINDINGS PROPOSED BY THE EAC, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SANITARY SEWER TRUNKS THROUGH VILLAGE ONE, SONOMA SEWER TRUNK EXTENSION FROM FLOYD AVENUE TO SYLVAN AVENUE AND LAKEWOOD SEWER TRUNK EXTENSION FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE.

WHEREAS, on May 5, 1993, the City's Environmental Assessment Committee (EAC) conducted an additional analysis to determine if the sanitary sewer trunks through Village One, Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and Lakewood Sewer Trunk Extension from Briggsmore Avenue to Sylvan Avenue project might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that this project is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan adequately describes the project for the purposes of CEQA (Section 15168, State CEQA Guidelines) and the proposed changes to the project pose no new significant environmental impacts that were not considered in the (previous) Program EIR (Section 15162 State CEQA Guidelines), and no substantial changes have occurred which will require important revisions in the (previous) Program

EIR due to the involvement of new significant environmental impacts not covered in the previous EIR (Section 15162, State CEQA Guidelines) shall hereby be known as "Findings", and

WHEREAS, any comments received by the City during the public review period on the findings were forwarded to the City Council for consideration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the findings proposed by the EAC including the comments received in response to such findings.

SECTION 2. The City Council hereby finds that on the basis of information contained in the findings and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed findings for said project. The Council further finds that the findings reflect the Council's independent judgment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-414

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SANITARY SEWER TRUNKS THROUGH VILLAGE ONE, SONOMA SEWER TRUNK EXTENSION FROM FLOYD AVENUE TO SYLVAN AVENUE AND LAKEWOOD SEWER TRUNK EXTENSION FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE.

WHEREAS, on May 5, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the sanitary sewer trunks through Village One, Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and Lakewood Sewer Trunk Extension from Briggsmore Avenue to Sylvan Avenue project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

17

MODESTO CITY COUNCIL
RESOLUTION NO. 93-415

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR ENGINEERING DESIGN OF SEWER TRUNKS IN VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and DeLaMare-Fultz Engineering and Surveying for engineering design of sewer trunks in Village One

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th **day of** July **,** 1993 **, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-416

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE LAUREL HEIGHTS - PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, DAVID A. SCHWARTZ AND SUSAN L. SCHWARTZ, husband and wife; and T & L HOLDING, INC., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.373 acres, known as the Laurel Heights - Phase 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 19th day of August, 1991, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Laurel Heights - Phase 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and

that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-417

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING FOR VILLAGE ONE FINANCING PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Vail Engineering for consultant services for Village One Financing Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-418

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $15,000 FROM CONTINGENCY RESERVE TO FINANCE CONSULTANT SERVICES ON VILLAGE ONE FACILITIES FINANCE PLAN

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

FROM:	Strategic Planning Fund Contingency Reserve (080 800 8000 8003)	$15,000
TO:	Services Professional and Other (080 140 1433 0235)	$15,000

Funds are needed to finance consultant services on Village One Facilities Finance Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th **day of** July , **19** 93 , **by Councilmember** Cogdill , **who moved its adoption, which motion being duly seconded by Councilmember** , **was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-419

Print

A RESOLUTION APPOINTING EARL HOWARD AND SUSAN MIDDLETON KEIRN TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. The following persons are appointed to the Human Relations Commission for the respective term as indicated:

Earl Howard - term to expire 1/1/96
Susan Middleton Keirn - term to expire 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-420

Print

A RESOLUTION APPOINTING FRED SATARIANO AND JAMES AJA TO THE BOARD OF BUILDING APPEALS

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

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

SECTION 1. The following persons are appointed to the Board of Building Appeals for the respective term as indicated:

Fred Satariano
James Aja

Terms to expire January 1, 1997

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-421

Print

A RESOLUTION APPOINTING MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE (MARGARET LEAMAN)

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

SECTION 1. The following person is hereby appointed to the Tuolumne River Regional Park Citizens Advisory Committee for the respective term as indicated:

Margaret Leaman
Term to expire January 1, 1994

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-422

Print

A RESOLUTION APPOINTING VIRGINIA GLESER TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Virginia Gleser
Term to expire January 1, 1997

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development/ Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Boards and Commissions

21 F.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-423

Print

A RESOLUTION REAPPOINTING LINDA McDANIEL TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee for the respective term as indicated:

Linda McDaniel

Term to expire June 30, 1997

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Rehabilitation Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-424

Print

A RESOLUTION REAPPOINTING WILLIAM COVEY TO THE NEIGHBORHOOD ADVISORY COMMITTEE, CHAIR #3

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

SECTION 1. The following person is hereby appointed to the Neighborhood Advisory Committee, Chair #3 for the respective term as indicated:

William Covey
Term to expire June 30, 1996

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Neighborhood Advisory Committee, Chair #3 and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Makyor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-425

Print

A RESOLUTION APPOINTING MEMBER OF THE HOUSING MAINTENANCE AND COUNSELING COMMITTEE CHAIR #1 (COUNCILMEMBER STAN DOBBS)

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

SECTION 1. The following person is hereby appointed to the Housing Maintenance and Counseling Committee for the respective term as indicated:

Councilmember Stan Dobbs

Term expires January 1, 1997

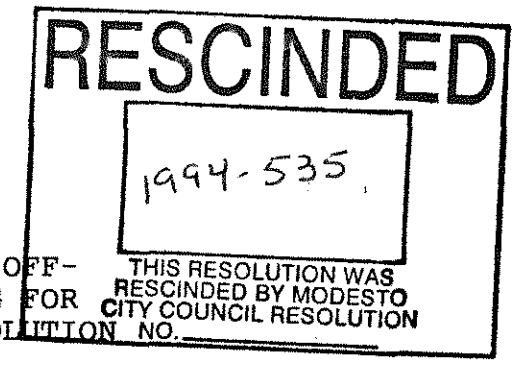
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Maintenance and Counseling Committee Chair #1 and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print



MODESTO CITY COUNCIL
RESOLUTION NO. 93-426

A RESOLUTION ESTABLISHING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, AND RESCINDING RESOLUTION NO. 87-431.

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council,

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

SECTION 1. PARKING METER LOTS. The municipal off-street parking facilities specified on Exhibit "A" attached hereto are hereby established as parking meter lots to be controlled by parking meters. Parking time limits, rates of fees, and monthly fees for parking passes and reserved parking for said parking meter lots shall be as shown on Exhibit "A". Said Exhibit "A" is hereby incorporated by reference and made a part of this resolution.

SECTION 2. ATTENDANT LOTS. (a) The following municipal off-street parking facility is hereby established as a parking attendant lot:

(1) PAL-28 west side of 11th Street between I and J Streets

(b) Vehicular parking on said parking attendant lot shall be controlled and regulated by parking attendants as follows:

(1) PAL-28 from 8:00 a.m. to 6:00 p.m. Monday through Friday

(c) The rate of fifty cents (50¢) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code, is hereby established for said parking attendant lot PAL-28. The price for validation stamps to be used with the validation system on said parking attendant lot, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be fifty-five cents (55¢) per stamp.

(d) The Public Works and Transportation Director may designate spaces in said parking attendant lot for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Public Works and Transportation Director on said parking attendant lot PAL-28 when it does not encroach on the needs of

shopper parking. The monthly charges for such passes shall be Thirty and no/100ths Dollars ($30.00) for PAL-28.

(f) Additional hours of operation, including weekends, may be authorized by the Public Works and Transportation Director as appropriate to meet parking needs.

SECTION 3. PARKING TICKET LOTS. (a) The following municipal off-street parking facilities are hereby established as parking ticket lots:

(1) PTL-2 east side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Meter Lot-2 (PML-2).

(2) PTL-20 west side of 10th Street between G and H Streets and south of PTL-23 (Old City Hall)

(3) PTL-23 west side of 10th Street between G and H Streets (Brack-Griffin)

(4) PTL-25 southeast corner of 9th and I Streets. (Parking in PTL-25/PML-25 is controlled by 25¢ per hour meters or $1.25 per day tickets.)

(5) PTL-34 southwest corner of 10th and K Streets

(b) Vehicular parking on said parking ticket lots PTL-2, PTL-20, and PTL-23 shall be controlled by means of ticket dispensing devices from 9:00 a.m. to 4:30 p.m., Monday through Friday. Vehicular parking on said parking ticket lot PTL-25/PML-25 shall be controlled by means of a ticket dispensing device or parking meters from 9:00 a.m. to 6:00 p.m., Monday

through Friday. Vehicular parking on said ticket lot PTL-34 shall be controlled by means of ticket dispensing devices from 9:00 a.m. to 10:00 p.m. every day.

(c) The rate of One and 25/100ths Dollars ($1.25) per day or fraction thereof is hereby established for said parking ticket lots PTL-2, PTL-20, PTL-23, PTL-25 and PTL-34.

(d) Monthly parking passes may be authorized by the Public Works and Transportation Director on any parking ticket lot when it does not encroach on the needs of shopper parking. The monthly charges for such passes shall be Twenty and no/100ths Dollars ($20.00).

(e) Monthly reserved parking passes may be authorized by the Public Works and Transportation Director on said ticket lot PTL-2 and PTL-34. The monthly charges for such passes shall be Thirty and no/100ths Dollars ($30.00) per space per month.

SECTION 4. RESERVED PARKING LOTS. (a) The following municipal off-street parking facilities are hereby designated as reserved parking lots:

(1) RPL-4a west side of 11th Street between H and I Streets (street level)

(2) RPL-39 south side of I Street between 10th and 11th Streets

(b) Vehicular parking on said reserved parking lots shall be controlled by signs and painted markings.

(c) Charges for reserved parking on RPL-4a and RPL-39 shall be Thirty and no/100ths Dollars ($30.00) per space per month.

SECTION 5. MODESTO CENTRE PLAZA PARKING. The municipal off-street parking facilities specified on Exhibit "B" attached hereto are hereby established as parking for the Modesto Centre Plaza. Said Exhibit "B" is hereby incorporated by reference and made a part of this resolution.

SECTION 6. FREE PARKING LOTS. (a) The following municipal off-street parking facilities shall be free parking lots:

(1) PL-10 east side of 8th Street between I and K Streets

(2) PL-13 north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library)

(3) PL-15 east side of 11th Street between F and G Streets (north of Fire Station #1)

(4) PL-16 east side of 11th Street between F and G Streets (south of Fire Station #1)

(b) Parking time limit on PL-13 shall be either no time limit or in portions as posted, a two-hour time limit 8:00 a.m. to 5:00 p.m., Monday through Friday.

SECTION 7. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued

pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 8. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facilities in compliance with the fees and regulations specified in this resolution:

(1) PL-10 - exclusive all day

(2) PTL-25 - exclusive from 8:00 a.m. to 12:00 noon

SECTION 9. EFFECTIVE DATE. The effective date of this resolution shall be August 2, 1993.

SECTION 10. RESCIND. Resolution No. 87-431 adopted June 2, 1987, is rescinded effective August 1, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

	PARKING METER LOT NUMBER	LOCATION	TIME LIMITS & CLASSIFICATION FEE	FEES FOR MONTHLY PASSES	MONTHLY FEE FOR RESERVED SPACE
1.	PML-2	East side of 9th Street between I and J Streets, excepting the portion thereof which is Parking Ticket Lot-2 (PTL-2)	PM-1	*	**
2.	PML-2a	Alley between 9th, 10th, I and J Streets	PM-1	*	**
3.	PML-3	Southeast corner of 12th and I Streets	PM-3	*	**
4.	PML-11	Southwest corner of 10th and H Streets	PM-2	*	$30.00***
5.	PML-21	Southwest corner of 11th and K Streets	PM-4	$20.00	**
6.	PML-25	Southeast corner of 9th and I Streets	PM-3*****	$20.00	**
7.	PML-32	East side of 10th Street between J and K Streets	PM-1	$20.00	**
8.	PML-33	Northeast corner of 10th and H Streets	PM-1	*	$30.00****
9.	PML-35	County Administration Lot, between 11th, 12th, G and H Streets	PM-5	*	**
10.	PML-40	Former Crocker Bank Lot, 10th Near I Street	PM-1	*	$30.00***

* Monthly passes are not authorized
** Reserved spaces are not authorized
*** No limit on the number of spaces reserved
**** The number of spaces reserved is limited to a maximum of 15
***** Daily $1.25 parking tickets are also authorized

TIME LIMITS AND FEE CLASSIFICATION

PM-1: Three (3) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; five cents (5¢) per twelve (12) minutes or fraction thereof.

PM-2: Five (5) hour limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.

PM-3: No time limit, 9:00 a.m. to 6:00 p.m., Monday through Friday; twenty-five cents (25¢) per hour or fraction thereof.

PM-4: No time limit, 9:00 alm. to 10:00 p.m., Monday through Sunday, five cents (5¢) per twelve (12) minutes or fraction thereof.

PM-5: Time limit as posted, either twenty-four (24) minute, one hour or three hour time limit, 8:00 a.m. to 5:00 p.m., Monday through Friday, five cents (5¢) per twelve (12) minutes or fraction thereof.

Exhibit "A"

MODESTO CENTRE PLAZA

9th Street Garage

Hourly Rate	$0.50/Hour
Monthly Pass	$50.00/Month
Hourly Coupons	$0.55/Hour
Parking Paid for by Event Sponsor	$30.00 Plus Cost of Hourly Rate

11th Street Surface Lot

All Day/Evening	$2.00/Car
Hosted Parking	$30.00 Plus Cost of All Day Parking
RV's/Motorhomes	$10.00/Day $20.00/Overnight
Buses	$20.00/Day

Exhibit "B"

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-427

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-428

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the Public Works and Transportation Director, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file and annual report, and

WHEREAS, the Public Works and Transportation Director, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1993-94, and

WHEREAS, the Council has adopted Resolution No. 93-388 on July 6, 1993, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1993-94 and to set a public hearing to be held on July 20, 1993, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the Public Works and Transportation Director, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1993-94.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-429

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A MAINTENANCE MANAGEMENT SYSTEM

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

SECTION 1. The specifications for the purchase of a maintenance management system , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 9, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-430

Print

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR FURNISHING ANNUAL PUMP REPAIR FOR THE CITY'S GROUND WATER PUMPING STATIONS

WHEREAS, Resolution No. 93-285, adopted by the Council of the City of Modesto on May 11, 1993, approved the plans and specifications for annual pump repair for the City'w ground water pumping stations and authorized the calling for bids; and

WHEREAS, the bids received for the annual pump repair for the City's ground water pumping stations were opened at 10:00 a.m. on June 1, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Howk Systems in the amount of $100,000 per year be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems for $100,000 per year be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-431

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOWK SYSTEMS TO PROVIDE ANNUAL PUMP REPAIR SERVICES FOR GROUND WATER PUMPING STATIONS FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Howk Systems, to provide annual pump repair services for the City's ground water pumping stations for up to three years

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-432

A RESOLUTION PROVIDING FOR THE BORROWING OF FUNDS FOR FISCAL YEAR 1993-1994 AND THE ISSUANCE AND SALE OF 1993 TAX AND REVENUE ANTICIPATION NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED $9,000,000, APPROVING THE PUBLICATION OF NOTICES IN CONNECTION WITH SUCH SALE, AUTHORIZING THE AWARD OF SUCH NOTES SUBJECT TO CERTAIN CONDITIONS, AND APPROVING OF A PRELIMINARY OFFICIAL STATEMENT AND CERTAIN RELATED MATTERS.

WHEREAS, pursuant to Sections 53850, et seq. of the Government Code of the State of California (the "Code") contained in Article 7.6 thereof, entitled "Temporary Borrowing", on or after the first day of any fiscal year (being July 1), a city may borrow money by issuing notes for any purpose for which a city is authorized to expend moneys, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of a city; and

WHEREAS, Section 53853 of the Code provides that such notes shall be issued pursuant to a resolution adopted by the legislative body of the city authorizing the issuance thereof; and

WHEREAS, pursuant to Section 53853, of the Code, the City Council of the City of Modesto (the "Council") has found and determined that a sum not to exceed Nine Million Dollars ($9,000,000) is needed for the requirements of the City of Modesto (the "City") to satisfy obligations payable from the General Fund of the City, and that it is necessary that an amount up to said sum be borrowed for such purpose at this time by the issuance of temporary notes therefor in anticipation of the receipt of taxes, revenue and other moneys to be received by the City for the General Fund of the City during or allocable to Fiscal Year 1993-1994; and

WHEREAS, the City intends to borrow, for the purposes set forth above, an amount not to exceed Nine Million Dollars ($9,000,000) by the issuance of the notes, as hereinafter defined; and

WHEREAS, such notes shall be payable no later than 13 months after the date of issue, as permitted by Section 53854 of the Code, and such notes shall be payable only from revenue received or accrued during the fiscal year 1993-1994; and

WHEREAS, such notes may not bear interest exceeding twelve percent (12%) per annum, as permitted by Section 53531 of the Code, notwithstanding Section 53854 of the Code; and

WHEREAS, pursuant to Section 53856 of the Code, the City may pledge any taxes, income, revenue, cash receipts or other moneys deposited in inactive or term deposits (but excepting certain moneys of the City, including moneys encumbered for a special purpose); and this Resolution specifies that certain unrestricted revenues which will be received by the City for the General Fund of the City during or allocable to fiscal year 1993-1994 are pledged for the payment of such notes; and

WHEREAS, such notes shall be a general obligation of the City, and to the extent not paid from the taxes, income, revenue, cash receipts and other moneys of the City pledged for the payment thereof shall be paid with interest thereon from any other moneys of the City lawfully available therefor, as required by Section 53857 of the Code; and

WHEREAS, such notes will not be outstanding after a period ending 13 months after the date on which such notes are issued and will not be issued in an amount greater than the maximum anticipated cumulative cash flow deficit to be financed by the anticipated tax or other revenue source for the period for which such taxes or other revenues are anticipated and during which such notes are outstanding, all as permitted and provided, respectively, in Section 1.103-14(c) of the Income Tax Regulations of the United States Treasury;

WHEREAS, it appears, and the Council hereby finds and determines, that said sum of Nine Million Dollars ($9,000,000), when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, incoming revenue (including but not limited to revenue from state and federal governments), cash receipts and other moneys of the City for the General Fund of the City attributable to fiscal year 1993-1994, and available for the payment of said notes and the interest thereon as required by Section 53858 of the Code; and

WHEREAS, the Council desires to sell such notes pursuant to a competitive sale as herein provided and to further authorize the award of such notes to the highest bidder as provided herein;

NOW, THEREFORE, the Council does resolve as follows:

Section 1. Recitals True. All of the recitals herein set forth are true and correct, and the Council so finds and determines.

Section 2. Authorization of Notes; Details; Full Book-Entry. Solely for the purpose of anticipating taxes, revenues and other moneys to be received by the City for the General Fund of the City during or allocable to fiscal year 1993-1994, and not pursuant to any common plan of financing, the City hereby determines to and shall borrow an aggregate principal sum not to exceed Nine Million Dollars ($9,000,000) by the issuance of temporary notes under Sections 53850, et seq. of the Government Code of the State of California, designated "City of Modesto, California 1993 Tax and Revenue Anticipation Notes" (the "Notes"), to be in registered form (as described below), to be numbered 1 (and consecutively upward in order of issuance if more than one note is issued), to be in denominations of $5,000 and integral multiples thereof, to mature (without the option of prior redemption) not later than 13 months following the date of delivery of the Notes, and to bear interest, payable at maturity and computed on a 30-day month/360-day year basis at a rate not in excess of four percent (4%) per annum. The Notes shall be dated the date of initial delivery. Both the principal of and interest on the notes shall be payable, only upon surrender thereof, in lawful money of the United States of America, at the office of the Finance Director of the City of Modesto in Modesto, California (the "Paying Agent").

Except as provided below, the holder of all of the Notes shall be The Depository Trust Company, New York, New York ("DTC") and the Notes shall be initially registered in the name of CEDE & Co., as nominee for DTC. The Notes shall be initially executed and delivered in the form of a single fully registered Note in the full aggregate principal amount of the Notes. The City may treat DTC (or its nominee) as the sole and exclusive owner of the Notes registered in its name for all purposes of this Resolution, and the City shall not be affected by any notice to the contrary. The City shall not have any responsibility or obligation to any participant of DTC (a "Participant"), any person claiming a beneficial ownership interest in the Notes under or through DTC or any Participant, or any other person which is not shown on the register of the Paying Agent as being a holder, with respect to the accuracy of any records maintained by DTC or any Participant or the payment or failure to pay by DTC or any Participant of any amount in respect of the principal or interest with respect to the Notes. The Paying Agent shall pay all principal and interest with respect to the Notes only to DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest with respect to the Notes to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Note. Upon delivery by DTC to the

Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co., the term "CEDE & Co." in this Resolution shall refer to such new nominee of DTC.

If the City determines that it is in the best interest of the beneficial owners that they be able to obtain Notes and delivers a written certificate to DTC to that effect, DTC shall notify the Participants of the availability through DTC of Notes. In such event, the City shall issue, transfer and exchange Notes as requested by DTC and any other holders in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Notes at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City shall be obligated to deliver Notes as described in this Resolution. Whenever DTC requests the City to do so, the City will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Notes evidencing the Notes to any DTC Participant having Notes credited to its DTC account or (b) arrange for another securities depository to maintain custody of certificates evidencing the Notes.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Note is registered in the name of CEDE & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to DTC as provided in the Representation Letter delivered on the date of issuance of the Notes.

Section 3. Form of Notes; Transfer and Exchange. The Notes shall be issued in registered form and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures. There shall be on the reverse of, or attached to, each Note, the legal opinion of Brown & Wood, Bond Counsel, respecting the validity of said Notes and, immediately following such legal opinion, a certificate executed with the facsimile signature of the Mayor, the City Manager or the Finance Director said certificate to be in substantially the following form:

> I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion upon the Notes therein described which was manually signed by Brown &

Wood, Bond Counsel and was dated as of the date of delivery of and payment for said Notes.

[Facsimile Signature]

Subject to the provisions of Section 2 hereof, the registration of any Note may, in accordance with its terms, be transferred, upon the registration books kept by the Paying Agent for such purpose, by the person in whose name it is registered, in person or by his or her duly authorized attorney, upon surrender of such Note for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in a form approved by the Paying Agent.

Whenever any Note or Notes shall be surrendered for registration or transfer, the Paying Agent shall execute and deliver a new Note or Notes, for a like aggregate principal amount. The Paying Agent shall require the Note owner requesting such registration of transfer to pay any tax or other governmental charge required to be paid with respect to such transfer. The City may require the owner requesting such registration of transfer to pay such additional reasonable charge as may be necessary to cover customary expenses incurred and fees charged by the Paying Agent or the City with respect to such registration of transfer. The City and the Paying Agent may treat the registered owner of any Note as the absolute owner thereof for all purposes whatsoever in accordance with this resolution, and the City and the Paying Agent shall not be affected by any notice to the contrary.

Subject to the provisions of Section 2 hereof, Notes may be exchanged at the office of the Paying Agent in Modesto, California for a like aggregate principal amount of Notes in other authorized denominations. The Paying Agent shall require the payment by the Note owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange. The City may require the owner requesting such exchange to pay such additional reasonable charge as may be necessary to cover customary expenses incurred and fees charged by the Paying Agent or the City with respect to such exchange.

Section 4. Sale of Notes. The Notes shall be sold at a public sale upon the direction of the City Manager or the Finance Director, said public sale to be at the time and place and upon the terms provided in the Notice of Sale of the Notes, which Notice shall be substantially in the form set forth as Exhibit B hereto and by reference incorporated herein (the "Notice of Sale"). Sealed bids for the purchase of the Notes shall be received by the City Manager or Finance Director at

the time and place set forth in said Notice of Sale. The City Manager, the Finance Manager or a designated deputy thereof are authorized to distribute copies of said Notice of Sale. The Council hereby authorizes and ratifies publication in THE BOND BUYER of a Notice Of Intention To Sell (the "Notice of Intention to Sell") in substantially the form attached hereto as Exhibit C and made a part hereof by this reference, said Notice of Intention to Sell being required to be made in a financial publication generally circulated throughout the State at least 15 days prior to the award of the Notes at competitive bid pursuant to Section 53692 of the Government Code.

Section 5. Application of Proceeds. The moneys so borrowed shall be deposited in the General Fund of the City and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund of the City.

Section 6. Repayment of Notes; Security. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, revenues, income, cash receipts and other moneys which are received by the City for the General Fund of the City for the Fiscal Year 1993-1994 and which are available therefore. As security for the payment of the principal of and interest on the Notes the City hereby pledges: (i) an amount equal to fifty percent (50%) of the principal amount of the Notes from the first unrestricted moneys to be received by the City in the month ending December 31, 1993; (ii) an amount equal to fifty percent (50%) of the principal amount of the Notes from the first of such moneys to be received in the month ending April 30, 1994; plus an amount sufficient to pay interest from the first of such moneys to be received in the month ending May 31, 1994 (such pledged amounts being hereinafter called the "Pledged Moneys"). The principal of the Notes and the interest thereon shall constitute a first lien and charge against and shall be payable from the first moneys received by City from such Pledged Moneys, and to the extent not so paid shall be paid from any other moneys of the City lawfully available therefor. In the event there are insufficient unrestricted moneys received by the City to permit the deposit into the Special Account, as hereinafter defined, of the full amount of the Pledged Moneys to be deposited in the applicable month, by the next to last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys of the City, intended as receipts for the General Fund of the City and which are generally available for the payment of current expenses and other obligations of the City.

Section 7. Establishment of Special Account. The Pledged Moneys shall be deposited by the City with and held by the Paying Agent, in trust, in a special fund designated "City of Modesto, California 1993 Tax and Revenue Anticipation Notes Special Account" (the "Special Account") and applied as directed in this Resolution. Any money deposited by the Paying Agent in the Special Account shall be for the benefit of the holders of the Notes, and until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Special Account shall be applied only for the purposes for which the Special Account was created.

From the date this Resolution takes effect, all Pledged Moneys shall, when received, be paid to the Paying Agent for deposit in the Special Account. On the date of maturity of the Notes, the moneys in the Special Account shall be used, to the extent necessary, to pay the principal of and interest on the Notes. Any moneys remaining in the Special Account after the Notes and the interest thereon have been fully paid, or provision for such payment has been made, shall be transferred to the City for deposit into its General Fund.

Moneys in the Special Account shall be invested, to the greatest extent possible, as permitted by California law as it is now in effect and as it may be amended from time to time including California Government Code Section 53601; provided that no such investments shall have a maturity date later than the maturity date of the Notes. The proceeds of any such investment shall be retained by the Paying Agent in the Special Account until all of the Notes have been fully paid, at which time any amount remaining shall be paid to the General Fund of the City.

Section 8. Execution of Notes The Mayor of the City, or any properly delegated officer of the City who is designated to sign on the Mayor's behalf, or the City Manager or the Finance Director are hereby authorized to sign the Notes by manual or facsimile signature and the City Clerk is hereby authorized to countersign the same by manual or facsimile signature; provided that at least one such signature shall be manual. The City Clerk is further authorized to affix the seal of the City thereto by facsimile impression thereof. Said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate. Said signing, countersigning and sealing shall constitute a valid and sufficient execution of the Notes.

Section 9. Award of Notes. The Mayor, the City Manager or the Finance Director is hereby authorized to award the Notes in

an aggregate principal amount not exceeding the aforesaid sum to the bidder for the Notes providing the lowest net interest rate as provided in the Notice of Sale, provided that the interest rate on the Notes shall not exceed four percent (4%) per annum. Upon award of the Notes to the successful bidder, (i) the Mayor, the City Manager or the Finance Director is hereby authorized and directed to attach to this Resolution a certificate stating the principal amount of the Notes, the maturity date of the Notes and the interest rate on the Notes, and (ii) appropriate officers of the City are authorized and directed to execute and deliver the Notes to the successful bidder. In the event two or more bids setting forth identical net interest rates are received and aggregating in excess of the principal amount of the Notes, the Mayor, the City Manager or the Finance Director shall offer the Notes to such bidders on a pro-rata basis, to the extent practicable.

Section 10. Ratification of Actions. All actions heretofore taken by the officers and agents of the City with respect to the sale and issuance of the Notes are hereby approved, confirmed and ratified, and the Mayor, the City Manager and Finance Director of the City are hereby authorized and directed, for and in the name and behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Notes in accordance with this Resolution and resolutions heretofore adopted by the Council.

Section 11. Further Action Authorized. It is hereby covenanted and warranted by the City that all representations and recitals contained in this Resolution are true and correct, and that the City, and its appropriate officials, have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the levy, collection and enforcement of the taxes, revenue, cash receipts and other moneys pledged hereunder in accordance with the law and for carrying out the provisions of this Resolution.

Section 12. Tax Covenant. It is hereby covenanted by the City that it will make no use of the proceeds of the Notes which would cause the Notes to be "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"); and, for that purpose, so long as any of the Notes are outstanding, the City, with respect to the proceeds of the Notes, and all officers having custody or control of such proceeds, shall comply with all requirements of said section and the regulations of the United States Department of

the Treasury thereunder, to the extent that such regulations are, at the time, applicable and in effect, so that the Notes will not be "arbitrage bonds."

Section 13. Approval of Bond Counsel. Brown & Wood is hereby approved as Bond Counsel to the City in connection with the issuance of the Notes. The Mayor, the City Manager or the Finance Director is hereby authorized to execute contracts with said Bond Counsel in the form approved by the Mayor, the City Manager or the Finance Director, upon the advice of the City Attorney.

Section 14. Approval of Preliminary Official Statement. The Preliminary Official Statement relating to the Notes is hereby approved in substantially the form presented at the meeting and is authorized for distribution for the purpose of selling the Notes in substantially the form presented. The Finance Director is hereby authorized to approve the final Official Statement with such changes therein, deletions therefrom and modifications thereto, such approval to be conclusively evidenced by his execution and delivery thereof.

Section 15. Inconsistent Action Waived. Any provisions of any ordinances and resolutions inconsistent herewith are hereby waived to the extent only of such inconsistency.

Section 16. Effective Immediately. This Resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Registered
No. _____

Registered
$_____

CITY OF MODESTO, CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTE

RATE OF INTEREST	NOTE DATE	MATURITY DATE	CUSIP

PRINCIPAL SUM:

REGISTERED OWNER:

FOR VALUE RECEIVED, the City of Modesto (the "City"), State of California, acknowledges itself indebted to and promises to pay to the Registered Owner identified above, or registered assigns, at the office of the Finance Director of the City of Modesto, California, the Principal Sum specified above in lawful money of the United States of America, on the Maturity Date shown above, together with interest thereon at the rate per annum shown above in like lawful money from the date hereof until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the Registered Owner fails to properly present this Note for payment.

It is hereby certified, recited and declared that this Note is one of an authorized issue of Notes in the aggregate principal amount of _____ Dollars ($_____), all of like tenor, made, executed and given pursuant to and by authority of a resolution of the City Council duly adopted on _____, 1993 (the "Resolution"), under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5, California Government Code, and that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note have existed, happened and been performed in regular and due time, form and manner as required by law, and that this Note,

principal amount of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Notes purchased.

PAYMENT: Both principal and interest are payable in lawful money of the United States of America at the office of the Treasurer of the City of Modesto in Modesto, California, as Paying Agent, to DTC, which will in turn remit such principal and interest to the beneficial owners of the Notes through DTC's Participants, as described in the Preliminary Official Statement.

PURPOSE OF ISSUE: The Notes are to be issued by the City and are authorized pursuant to the provisions of Section 53850-53858 of the Government Code of the State of California and the provisions of a resolution of said City Council, for any purpose for which the City is authorized to expend moneys.

SECURITY: The Notes are obligations of the City and as security for the payment of the principal of and interest on the Notes, the City pledges an amount equal to _____ percent (____%) of the principal amount of the Notes from the unrestricted revenues received by the City in the month ending _____; and an amount equal to _____ percent (____%) of the principal amount of the Notes plus an amount sufficient to pay interest on the Notes, from the unrestricted revenues received by the City in the month ending _____. By statute, the Notes are declared to be a general obligation of the City and to the extent not paid from said pledged moneys shall be paid with the interest thereon from any other moneys of the City lawfully therefor. Under provisions of the California Constitution, the City is generally prohibited from incurring any indebtedness or liability exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of its qualified electors voting at an election called for such purpose.

TERMS OF SALE

HIGHEST BID: The Notes will be awarded on the basis of the lowest net interest rate including premium offered in the proposals. No bid for less than par will be entertained. In the event two or more bids setting forth identical interest rates and premium per dollar principal amount, if any, and aggregating a principal amount in excess of the principal amount of unawarded Notes are received, the City, acting through the Finance Director, reserves the right to exercise its own discretion and judgment in making the award and may award the Notes on a pro rata basis in such denominations as the City Council shall determine.

EXHIBIT B

OFFICIAL NOTICE OF SALE
$_____
CITY OF MODESTO
STATE OF CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTES

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Finance Director of the City of Modesto, California, at the office of Brown & Wood, 555 California Street, San Francisco, California 94104, on

_____, 1993

at the hour of 10:00 A.M. for the purchase of $_____ principal amount of 1993 Tax and Revenue Anticipation Notes of the City of Modesto (the "Notes"), more particularly described below.

ISSUE: $_____, designated "City of Modesto, California, 1993 Tax and Revenue Anticipation Notes," consisting of registered notes, without coupons.

DATE AND MATURITY: The Notes will be dated the date of delivery, and will all mature on _____, 1994.

INTEREST RATE: The maximum interest rate bid may not exceed _____ percent (__%) per annum, payable upon maturity of the Notes. Bidders must specify the rate of interest which the Notes bid upon shall bear, provided that: (i) all Notes shall bear the same interest rate; (ii) no Note shall bear more than one rate of interest; (iii) each Note shall bear interest from its date to its stated maturity at the interest rate specified in the bid; (iv) the interest rate specified must be in a multiple of 1/1000 of one percent. Interest will be computed on a 30-day month/360-day year basis.

REDEMPTION: The Notes are not subject to call and redemption prior to maturity.

FULL BOOK ENTRY: The Notes, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository of the Notes. Individual purchases will be made in book-entry form only, in the

IN WITNESS WHEREOF, the City of Modesto has caused this Note to be executed by facsimile signatures of the Mayor of the City, or the City Manager or the Finance Director and manually countersigned by the City Clerk, and caused a facsimile of its official seal to be reproduced hereto by facsimile this _____ day of ____, 1993.

CITY OF MODESTO

By_____
Mayor

By_____

(SEAL)

Countersigned:

_____
City Clerk

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

I HEREBY CERTIFY that the following is a true and correct copy of the legal opinion regarding the Notes therein described that was manually signed by Brown & Wood, and was dated as of the date of delivery of and payment for said Notes.

_____
Finance Director

together with all other indebtedness and obligations of the City, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the City for the General Fund of the City for the Fiscal Year 1993-1994. As security for the payment of the principal of and interest on the Notes the City has pledged: (i) an amount equal to _____ percent (___%) of the principal amount of the Notes from the first unrestricted moneys to be received by the City in the month ending _____ and (ii) an amount equal to _____ percent (___%) of the principal amount of the Notes plus an amount sufficient to pay interest on the Notes (net of earnings on deposits in the Special Account, as defined in the Resolution) from the first of such moneys to be received in the month ending _____ (such pledged amount being hereinafter called "Pledged Moneys"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from such Pledged Moneys, and to the extent not so paid shall be paid from any other moneys of the City lawfully available therefor.

This Note is transferable by the Registered Owner hereof in person or by his attorney duly authorized in writing at the office of the Paying Agent in Modesto, California, but only in the manner, subject to the limitations in the Resolution and this Note, and upon such surrender and cancellation of this Note. Upon such transfer a new Note or Notes of authorized denominations and for the same aggregate principal amount will be issued to the transferees in exchange herefor.

The City and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

RIGHT OF REJECTION: The City, acting through the Finance Director, reserves the right, in its discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

PROMPT AWARD: The City, acting through its Finance Director, will take action awarding the Notes or rejecting all bids not later than 26 hours after the expiration of the time herein prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

SUBSEQUENT BIDS: In the event that no bid is awarded, the City shall receive bids each successive Thursday at the same time and location until such time as a bid is awarded or the city determines to withdraw sale of the Notes.

DELIVERY AND PAYMENT: It is estimated that delivery of the Notes will be made to the successful bidder at the office at Brown & Wood, 555 California Street, San Francisco, California 94104, on _____, 1993. Payment of the purchase price must be made in funds immediately available to the Treasurer of the City of Modesto, California. The costs of registering the Notes in the name of Cede & Co., as nominee of DTC will be borne by the City.

RIGHT OF CANCELLATION: The successful bidder shall have the right at its option to cancel the contract of purchase if the City shall fail to execute the Notes and tender the same for delivery within 30 days from the date of sale thereof, and in such event, the successful bidder shall be entitled to the return of the deposit accompanying his bid.

FORM OF BID: Bids must be for all of the Notes, and must be for not less than the par value thereof. Each bid must be enclosed in a sealed envelope addressed to the City of Modesto at the office of Brown & Wood, 555 California Street, San Francisco, California 94104 not later than 10:00 A.M. on said date of sale, and endorsed "Proposal for City of Modesto, California 1993 Tax and Revenue Anticipation Notes." Each bid must be in accordance with the terms and conditions set forth herein, and must be submitted on, or in substantial accordance with, proposal forms provided by the City. The prescribed form of bid for the Notes is attached hereto as Exhibit A and all bids must be submitted on such form. Bids which do not conform to the terms of this paragraph will be rejected.

ESTIMATE OF NET INTEREST COST: Bidders are requested (but not required) to supply an estimate of the total net interest cost to the City on the basis of their respective bids, which shall be considered as informative only and not binding on

either the bidder or the City. For the purpose of calculating net interest cost, assume a delivery date of _____, 1993.

CUSIP NUMBERS: CUSIP numbers will be applied for and will be printed on the Notes and the cost of service bureau assignment will be the purchaser's responsibility. Any delay, error or omission with respect thereto will not constitute cause for the purchaser to refuse to accept delivery of and pay for the Notes.

CERTIFICATION OF REOFFERING PRICE: The successful bidder shall be required, as a condition to the delivery of the Notes by the City, to certify to the City in writing the price at which a substantial amount of the Notes were sold to the public, in the form and substance satisfactory to the City and Bond Counsel.

CHANGE IN TAX EXEMPT STATUS: At any time before the Notes are tendered for delivery, any successful bidder may disaffirm and withdraw its proposal if the interest received by private holders from notes of the same type and character shall be determined to be includable in gross income under present federal income tax laws, either by a ruling of the Internal Revenue Service or by a decision of any federal court, or shall be determined to be includable in gross income by the terms of any federal income tax law enacted subsequent to the date of this notice.

CALIFORNIA DEBT ADVISORY COMMISSION: The successful bidder will be required, pursuant to the State law, to pay any fees to the California Debt Advisory Commission ("CDAC"). CDAC will invoice the successful bidder after the closing of the Notes.

CLOSING PAPERS; LEGAL OPINION: Each proposal will be conditioned upon the City furnishing to each successful bidder, without charge, concurrently with payment for and delivery of the Notes, the following closing papers, each dated the date of such delivery:

(a) The opinion of Brown & Wood, San Francisco, California, Bond Counsel, approving the validity of the Notes and stating that under existing statutes, regulations and court decisions, interest on the Notes is exempt from all present State of California personal income taxes and, assuming compliance with certain covenants and requirements, is excludable from gross income for federal income tax purposes (although such interest may be subject to the corporate, alternative minimum and environmental taxes), a copy of which opinion (certified by the official in whose office the original is filed) will be printed on, or attached to, each Note without cost to the purchaser;

(b) A certificate of the City that on the basis of the facts, estimates and circumstances in existence on the date of issue, it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be "arbitrage bonds";

(c) An opinion of the City Attorney of the City of Modesto that there is no litigation threatened or pending affecting the validity of the Notes;

(d) A certificate of an appropriate City official, acting on behalf of the City solely in his official, and not in his personal capacity, that at the time of the sale of the Notes and at all times subsequent thereto, up to and including the time of the delivery of the Notes to the initial purchasers thereof, the Official Statement of the City pertaining to said Notes did not, and does not, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statement therein, in light of the circumstances under which they were made, not misleading;

(e) The signature certificate of the officials of the City of Modesto, showing that they have signed the Notes and impressed the seal of the City thereon, and that they were respectively duly authorized to execute the same; and

(f) The receipt of the Finance Director or City Manager of the City of Modesto that the purchase price of the Notes has been received by him.

In addition, the obligation of the City to deliver the Notes to the successful bidder is conditioned upon the receipt by the City of a certificate as to issue price, dated the date of delivery, duly executed by said bidder and in form and substance satisfactory to Brown & Wood, San Francisco, California, Bond Counsel.

INFORMATION AVAILABLE: Requests for information concerning the City should be addressed to:

Evensen Dodge, Inc.
44 Montgomery Street
San Francisco, CA 94104

The Preliminary Official Statement, together with any supplements thereto, shall be in form "deemed final" by the City for purposes of SEC Rule 15c2-12, but is subject to revision, amendment and completion in a final official statement. The City will provide each successful bidder such number of printed copies of the Official Statement for this issue as such bidder may request. Up to ___ copies of the Official Statement will be furnished without cost within seven days of the sale, and any additional copies will be furnished at the expense of the bidder.

Dated: _____, 1993

CITY OF MODESTO

By:_____
Finance Director

I certify (or declare) under penalty of perjury under the laws of the State of California that this proposal is genuine, and not a sham or collusive, nor made in the interest or on behalf of any person not herein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder.

Respectfully submitted,

Name of firm _____

By _____

Address _____

City _____ State _____

Telephone (___) _____

Following is a list of the members of our account on whose behalf this bid is made.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

EXHIBIT A to the NOTICE
INVITING BIDS

FORM OF BID PROPOSAL FOR
$_____
CITY OF MODESTO, STATE OF CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTES

Pursuant to the Official Notice of Sale for the above referenced Notes (the terms of which are made a part of this bid) we offer to purchase $_____ principal amount, all or none, of the Notes designated as "City of Modesto, State of California, 1993 Tax and Revenue Anticipation Notes" (the "Notes") at a purchase price of $_____.

The Notes bear interest to maturity (calculated on the basis of a 30-day month and a 360-day year) at a rate of _____% per annum.

This proposal is subject to acceptance not later than twenty-six (26) hours after the expiration of the time for the receipt of proposals as specified in the Notice Inviting Bids.

The Depository Trust Company, New York, New York ("DTC") will act as securities depository of the Notes. The Notes, when delivered, will be registered in the name of Cede & Co., as nominee of DTC. Individual purchases will be made in book-entry form only, in the principal amount of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Notes purchased.

We hereby request that _____ printed copies of the Official Statement (not to exceed ___ copies) be furnished us in accordance with the terms of the Official Notice of Sale.

Assuming a calculation date of _____, 1993, our calculation of the net interest cost and net interest rate, which is considered to be informative only and not a part of the bid, is as follows:

Total Interest	$_____
Less Premium (if any)	$_____
Net Interest Cost	$_____
Net Interest Rate	_____%

EXHIBIT C

NOTICE OF INTENTION TO SELL

$_____
CITY OF MODESTO, CALIFORNIA
1993 TAX AND REVENUE ANTICIPATION NOTES

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Finance Director, acting on behalf of the City of Modesto, California (the "City") for the purchase of $_____ principal amount of City of Modesto, California 1993 Tax and Revenue Anticipation Notes at the hour of 10:00 A.M. Pacific Daylight Time, on

_____, 1993

at the office of Brown & Wood, 555 California Street, San Francisco, CA 94104. In the event that no bid is awarded, the City will receive bids each successive Thursday at the same time and location until such time as a bid is awarded or the City determines to withdraw sale of the Notes.

Dated: _____, 1993

FINANCE DIRECTOR
CITY OF MODESTO,
CALIFORNIA

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-433

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND EVENSEN DODGE INC. FOR FINANCIAL ADVISORY SERVICES IN REGARD TO THE 1993 TAX AND REVENUE ANTICIPATION NOTES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Evensen Dodge Inc. for financial advisory services in regard to the 1993 Tax and Revenue Anticipation Notes

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-434

A RESOLUTION ESTABLISHING PROPERTY LIEN AND PROPERTY TAX ASSESSMENT PAYOFF CALCULATION FEES AND RESCINDING RESOLUTION NO. 92-168.

WHEREAS, processing a request for payoff information when real property is sold, requires City staff to research and prepare a report for the title company, and

WHEREAS, the Council by Resolution No. 92-168 established a property tax assessment payoff calculation fee in the amount of Twenty-five Dollars ($25.00) to be charged when title companies request a payoff of property tax assessment as part of an escrow process, and

WHEREAS, in reviewing staff procedures, it has been determined that reclassification of the existing property tax assessment payoff fee is needed to include payoff calculations of real property liens that have not been placed on the property tax roll as an assessment, and

WHEREAS, said proposed fees are calculated in a report dated July 13, 1993, to the City Council from the Finance Department, a copy of which is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a property lien calculation fee in the amount of Twenty-five Dollars ($25.00) is hereby established, and the property tax assessment payoff calculation fee in the amount of Twenty-five Dollars ($25.00) is hereby restated, to pay for the City's costs in researching and preparing a report when a title company requests a payoff of a property lien or property tax assessment as part of an escrow process.

BE IT FURTHER RESOLVED that Resolution No. 92-168 adopted by the Council on April 21, 1992, is hereby rescinded effective July 20, 1993.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after July 20, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 07 20 93

Date: July 13, 1993

TO: Mayor and City Council

FROM: Interim Director of Finance

SUBJECT: Property Lien and Property Tax Assessment Payoff Calculation Fee

RECOMMENDED ACTION:

Considering approving resolution amending Resolution 92-168 for reclassification of Property Tax Assessment Payoff Calculation Fee to include payoff calculations of real property liens not an assessment on the Property tax roll.

BACKGROUND:

In April 1992, a Property Tax Assessment Payoff Calculation Fee was approved by Council and initiated by City staff. In reviewing staff procedures, it was found that reclassification was needed to include calculation of real property liens that have not been placed on the property tax roll as an assessment in this fee.

When a real property is sold or refinanced, the purchaser or property owner normally wants any liens against the property or property tax assessments cleared. Processing a request for payoff requires City staff to research and prepare a report (sample attached) for the title company. We receive 60-80 total payoff requests per month. Of these 60-80 requests, approximately 85% to 90% are from the real property liens.

The proposed fee would be charged when a title company requests a payoff of an assessment or property lien as part of the escrow process. Banks and credit institutions presently charge up to $100 for calculating mortgage loan payoffs. The City's cost is calculated as follows:

	Unit Rate	Units	Cost
Accountant II.	20.30	0.50	10.15
Fringe Benefits	7.10	0.50	3.55
Indirect Cost	15.80	0.50	7.90
Computer Materials	3.50	1.00	3.50
TOTAL COST			25.10

A fee of $25.00 is appropriate. It would generate approximately $15,000 of increased annual revenue which would allow the City to recover its processing costs.

REASONS FOR RECOMMENDATION:

Payoff requests require staff time and other resources. The City should be reimbursed for its costs for all payoff calculations. The fee was reviewed and approved by the Fees Committee.

STEPS FOLLOWING APPROVAL:

Finance staff will implement the fee upon approval.

Prepared by: Sue Black
Sue Black, Accountant I

Recommended by: Andrea Daroca
Andrea Daroca
Interim Director of Finance

Submitted by:
J. Edward Tewes
City Manager

cc: Deputy City Manager
City Attorney
City Clerk (16)
Laury Dowd

Attachment

PAYOFF REQUESTS

DATE OF REQUEST: 6/2/93 PHONED (MAILED)

NAME: Linda Weaver TITLE CO. Chicago Title

TELEPHONE # 571-6300 FAX # _____

ESCROW # 615681AB SALE? X RE-FINANCE? _____

CLOSING: 6/4/92 DEMAND PRINTED? X

METHOD AND DATE OF RESPONSE

MAILED_____ FAXED_____ PICK UP 6/2/93 VERBAL REQ _____

MAILING ADDRESS: 1207 I St. Mdo 95354

* *

PROPERTY ADDRESS: 2113 Cornwell Ave.

ACCT. # 00024876 SUBS # 26434130

APN _____ OWNER Cuellar SINCE_____

"PAID LIST" - cust. name & # _____ $ Ø

UNPAID BILLS LEFT ON PAYMENT HISTORY
cust. name & # _____ $ Ø
cust. name & # _____ $ Ø

PREVIOUS USER # _____ NAME _____ $ _____

CURRENT USER #002-7 BILLED THRU 5/11/93 $ 34.35

times (x) no. of days to closing 24

W 3	14.95	
TX	.90	
S1	7.79	
G 9	10.15	
D 3	4.08	
LC √	---	$ 37.87
FN/DN √	---	
	SUB-TOTAL	$ 72.22
COMMENTS DONE √	LIEN RELEASE FEE	$ 9.00

PAYOFFDUD LTR SENT _____
PAYOFFDUD RESPONSE _____
DEMAND CHECK RET'D _____

QUOTE TOTAL $ 81.22

(REVISED 2/18/93)

2113 CORNWELL AVE.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-435

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO IMPLEMENT PHASE II (BRO REDUCTION STRATEGY) OF THE 1993-94 BUDGET.

WHEREAS, following adoption of the Phase I Budget, the City Council held workshops to discuss alternative Budget strategies proposed to offset $1 million in budget impacts. The total impact of the implemented BRO's is an increase to the General Fund Contingency reserve of $864,442, and

WHEREAS, the Council approved the BRO recommendations, and all adjustments necessary to implement the BRO's are listed on schedule I. The entire list of recommended BRO's is listed on Attachment B with detail of each listed in Attachment C of the memo that went to Council, and

WHEREAS, it is also necessary to incorporate the latest estimate on revenues based on updated information. These changes increase the beginning fund balance in the General Fund by $1,033,486, as well as decrease 93-94 estimated revenue by $2,025,091. These revenue adjustments are listed on Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments as set forth on Schedule I and Attachment A are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

FINANCIAL POLICY COMMITTEE RECOMMENDATIONS

Department/BRO	Type	Fund	Agency	Org	Object	Amount	Description	Reserve Impact
Fire							Contract Services to Other Fire Districts	50,000
2.	Rev	010	180	1832	4042	50,000		
2.	Exp	010	800	8000	8003	50,000		
Parks & Recreation							Tree Triming	21,039
3.	Exp	010	320	3213	0110	(16,662)		
3.	Exp	010	320	3213	0188	(4,377)		
3.	Exp	010	800	8000	8003	21,039		
Planning							Reduce Staff Services - Current Planning Section	47,943
4.	Exp	010	140	1401	0110	(37,248)		
4.	Exp	010	140	1401	0188	(10,695)		
4.	Exp	010	800	8000	8003	47,943		
Planning							Reduce Secretarial Support Services	27,891
5.	Exp	010	140	1401	0110	(21,939)		
5.	Exp	010	140	1401	0188	(5,952)		
5.	Exp	010	800	8000	8003	27,891		
Police							Animal Control License Enforcement	221,844
6.	Rev	010	190	1964	2104	312,257		
6.	Exp	010	190	1964	0140	47,025		
6.	Exp	010	190	1964	0188	4,232		
6.	Exp	010	190	1964	0235	7,000		
6.	Exp	010	190	1964	0218	4,000		
6.	Exp	010	120	1221	0110	20,856		
6.	Exp	010	120	1221	0188	7,300		
6.	Exp	010	800	8000	8003	221,844		
PW & Transportation							Reduce Street Light & Traffic Signal Maintenance	42,400
7.	Exp	010	450	4512	0110	(33,177)		
7.	Exp	010	450	4512	0188	(9,223)		
7.	Exp	010	800	8000	8003	42,400		
PW & Transportation							Deferred Implementation of SB939 Programs	45,000
8.	Exp	010	480	4802	0235	(25,000)		
8.	Exp	010	480	4802	0230	(20,000)		
8.	Exp	010	800	8000	8003	45,000		
PW & Transportation							MAX Bus Advertising - First Year	0
13.	Rev	651	510	9510	8419	12,640		
13.	Exp	651	160	1672	5xxx	20,560		
13.	Exp	651	800	8000	8003	(7,920)		

FINANCIAL POLICY COMMITTEE RECOMMENDATIONS

Department/BRO	Type	Fund	Agency	Org	Object	Amount	Description	Reserve Impact
Fund 130							Utilize up to 1/2 Capital Reserve of $768,452	384,000
14.	Exp	130	700	7000	7010	276,502	Equipment acquisitions	
14.	Exp	130	800	8000	8003	(276,502)	See attachment A for detail.	
14.	Rev	010	700	7000	9130	276,502		
14.	Exp	010	800	8000	8003	276,502		
14.	Rev	130	700	7000	9010	(107,498)	G.F. Lease Payment reduction	
14.	Exp	130	800	8000	8003	(107,498)	Telecommunications $74,532,	
14.	Exp	010	700	7000	7130	(107,498)	IBM computer eqpmt $32,966 (partial).	
14.	Exp	010	800	8000	8003	107,498		
Parks & Recreation							Horticulture reduction-two positions	54,325
New	Exp	010	310	3113	0110	(42,637)		
New	Exp	010	310	3113	0188	(11,688)		
New	Exp	010	800	8000	8003	54,325		
General							Local Public Safety Fund Allocation	198,000
New	Rev	010	510	9510	1201	198,000		
New	Exp	010	800	8000	8003	198,000		
Parks & Recreation							Library	(200,000)
15.	Exp	010	360	3623	0460	200,000		
15.	Exp	010	800	8000	8003	(200,000)		
Economic Developmt							Convention Vistors' Bureau	(28,000)
16.	Exp	010	080	0801	1006	28,000		
16.	Exp	010	800	8000	8003	(28,000)		
Total Savings								$864,442

Fund Balance Summary

Estimated 1993-94 Fund Balance	**$1,585,635**
Phase II - FPC recommendations	**$864,442**
Phase II - Revised 1993-94 Fund Balance	**$2,450,077**

Phase II Budget Implementation
Revenue Adjustments

	Fund	Agency	Org	Revenue Source	Amount
Sales Tax	010	510	9510	1201	(421,740)
Utility Users Tax	010	510	9510	1204	(702,000)
Business License Gross Receipts Tax	010	510	9510	1404	(139,351)
Property Tax	010	510	9510	1101	(792,000)
Transfer in from 051	010	700	7000	9051	30,000
Transfer out to fund 010	051	700	7000	7010	30,000
Local Transportation Fund-motorized	051	510	9510	1213	30,000
Contingency Reserve	010	800	8000	8003	(2,025,091)
Impact of 1992-93 revenue adjustments:					
Contingency Reserve (beginning reserve estimate)	010	800	8000	8003	1,033,486

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-436

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING TUESDAY, AUGUST 3, 1993, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is sponsoring the 10th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 3, 1993, called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through its cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating local activities planned by Neighborhood Watch groups and anticipates that approximately 50 plus neighborhoods in Modesto will have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto be aware of the importance of crime prevention programs and the positive impact that their participation can have in reducing crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity for Modesto to join together with thousands of other communities across the country in support of safe neighborhoods and to demonstrate the success of cooperative crime prevention efforts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 10th Annual "National Night Out" on Tuesday, August 3, 1993.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 3, 1993, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-437

A RESOLUTION APPROVING AN INTERAGENCY AGREEMENT WITH THE STANISLAUS COUNTY REDEVELOPMENT AGENCY FOR THE INSTALLATION OF SANITARY SEWER COLLECTION FACILITIES IN THE BRET HARTE NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the interagency agreement between the city of modesto and Stanislaus County Redevelopment Agency for the installation of sanitary sewer collection facilities in the Bret Harte Neighborhood be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-438

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(495). (MID-VALLEY ENGINEERING/CALIFORNIA EQUIPMENT RENTAL)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by Mid-Valley Engineering/California Equipment Rental on March 23, 1993, to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D, to allow an expansion of the California Equipment Rental Establishment and including a trailer haul concrete mixing facility, property located on the north side of Yosemite Boulevard west of North Riverside Drive, described as follows:

R-3 to P-D(495)

The North 165.00 feet of the East 200.00 feet and the North 15.00 feet of the West 80.00 feet of the following described property:

ALL that portion of the Southeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 26, said point of commencement being on the centerline of a State Highway known as Yosemite Boulevard; thence along the South line of said Section 26, North 89 degrees 54' 15" West, 456.51 feet thence North 0 degrees 34' 54" West, 33.00 feet to a point that is South 89 degrees 54' 15" East, 100 feet from the Southeast corner of the property conveyed to Dave E. Wilson, et al, by deed recorded June 4, 1958, as Instrument No. 13548, and the TRUE POINT OF BEGINNING; thence continuing North 0 degrees 34' 45" West, parallel to the East line of said Wilson property and the Northerly extension of said East line, 375.66 feet to a point on the Easterly extension of the

South line of the LOS ALTOS TRACT as recorded in Book 17 of maps, at Page 45, Stanislaus County Records; thence along said Easterly extension, North 89 degrees 54' 30" West, 200.00 feet to the Southeast corner of said tract; thence South 0 degrees 34' 45" East along the West line of the East half of the Southeast quarter of the Southwest quarter of said Section 26, 150.00 feet to the Northeast corner of PARCEL 1, as described in the deed to Ronald Eugene Trimble, recorded September 24, 1980, as Instrument No. 18806; thence North 89 degrees 54' 15" West along the North line of said Trimble property, 80.00 feet to the Northwest corner thereof; thence South 0 degrees 34' 45" East along the West line of said Trimble property and the Southerly extension thereof, 225.62 feet; thence South 89 degrees 54' 15" East, 280.00 feet to the TRUE POINT OF BEGINNING.

C-2 to P-D(495)

ALL that portion of the Southeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 26, said point of commencement being on the centerline of a State Highway known as Yosemite Boulevard; thence along the South line of said Section 26, North 89 degrees 54' 15" West, 456.51 feet; thence North 0 degrees 34' 54" West, 33.00 feet to a point that is South 89 degrees 54' 15" East, 100 feet from the Southeast corner of the property conveyed to Dave E. Wilson, et al, by deed recorded June 4, 1958, as Instrument No. 13548, and the TRUE POINT OF BEGINNING; thence continuing North 0 degrees 34' 45" West, parallel to the East line of said Wilson property and the Northerly extension of said East line, 375.66 feet to a point on the Easterly extension of the South line of the LOS ALTOS TRACT as recorded in Book 17 of maps, at Page 45, Stanislaus County Records; thence along said Easterly extension, North 89 degrees 54' 30" West, 200.00 feet to the Southeast corner of said tract; thence South 0 degrees 34' 45" East along the West line of the East half of the Southeast quarter of the Southwest quarter of said Section 26, 150.00 feet to the Northeast corner of PARCEL 1, as described in the deed to Ronald

Eugene Trimble, recorded September 24, 1980, as Instrument No. 18806; thence North 89 degrees 54' 15" West along the North line of said Trimble property, 80.00 feet to the Northwest corner thereof; thence South 0 degrees 34' 45" East along the West line of said Trimble property and the Southerly extension thereof, 225.62 feet; thence South 89 degrees 54' 15" East, 280.00 feet to the TRUE POINT OF BEGINNING. Including also all of Yosemite Boulevard located between the above described property and the South line of said Section 26.

EXCEPTING THEREFROM the North 165.00 feet of the East 200 feet and the North 15.00 feet of the West 80.00 feet of the above described property.

and

WHEREAS, after a public hearing held on June 7, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-23, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will allow continuance of a land use that will be made more compatible with other intensive commercial uses along Yosemite Boulevard and will serve as a transition between heavy industrial uses to the south and residential uses to the north.

2. The approved plot plan, along with compatibility walls and adjacent screen landscaping, and conditions of approval of the planned development zone assure that residential compatibility will continue.

and

WHEREAS, after a public hearing held on July 27, , 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mid-Valley Engineering/California

Equipment Rental for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2863 -C.S. on the 27th day of July, 1993, reclassifying the above-described property from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(495).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(495), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "California Equipment Rental" as amended in red, stamped approved by the City Council on July 27, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the north and portion of west property lines, as amended in red on the approved plot plan. A matching ten-foot landscaped setback shall also be provided along the remaining rental yard frontage between the entrance driveway and east property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

    a. Eight-foot-high solid masonry wall along north property line and Glendale Avenue. That portion adjacent to Glendale Avenue to be provided in a back-up lot configuration with adjacent alternating planters and street tree knockouts in full-width sidewalk.

b. Eight-foot-high solid masonry wall along west property line extending south from Glendale 130 feet to the southeast corner of property located at 2434 Glendale Avenue.

c. Eight-foot-high solid masonry wall along portion of a north property line adjacent to the rear property line of the residence at 2434 Glendale Avenue and extending between the rental yard shop building and southwest corner of property at 2434 Glendale Avenue.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication consistent with Standard Specifications to provide 30-feet of right-of-way south of the center line of Glendale Avenue and corner radius connection with Kingston Lane shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications along Glendale Avenue to be developed in a back-up lot configuration shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

12. The premises may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week.

13. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

14. Equipment storage yard area not paved shall be treated for dust control. Equipment testing and/or repair shall not be allowed on the north 105-foot portion of the equipment rental yard. This rear area shall be used only for the storage of equipment rental items.

15. No signs shall be permitted above eight feet in height on the north face of the buildings and no signs shall be allowed on the north face of the masonry wall along Glendale Avenue.

16. All signs shall comply with the sign requirements of the C-2 Zone.

17. The cement storage silo shall not exceed a maximum height of 20 feet and shall be of a uniform color with no signs permitted.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(495):

The entire construction program be accomplished in one phase, construction to begin on or before June 7, 1995, and completion to be not later than June 7, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(495), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Planning and Community Development

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-439

Print

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-3 AND C-2 TO P-D(495). (MID-VALLEY ENGINEERING/CALIFORNIA EQUIPMENT RENTAL)

WHEREAS, on April 7, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 26-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium High Density Residential Zone, R-3, and General Commercial Zone, C-2, to Planned Development Zone, P-D(495), property located on the north side of Yosemite Boulevard west of Riverside Drive might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-440

Print

A RESOLUTION ACCEPTING THE BID OF AMERICAN BUILDING MAINTENANCE FOR FURNISHING JANITORIAL SERVICES FOR THE CENTRE PLAZA AND CENTRE PLAZA GARAGE

WHEREAS, Resolution No. 93-240 **, adopted by the Council of the City of Modesto on** April 27 **, 19** 93 **, approved the plans and specifications for** janitorial services for the Centre Plaza and Centre Plaza garage **and authorized the calling for bids; and**

WHEREAS, the bids received for janitorial services for the Centre Plaza and Centre Plaza garage **were opened at** 11:00 a.m. **on** June 2, **19**93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** American Building Maintenance in the amount of $34,948 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Building Maintenance in the amount of $34,948 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th **day of** July **,** 19 93 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-441

Print

A RESOLUTION ACCEPTING THE BID OF CRAFCO, INC. FOR FURNISHING ONE MELTER APPLICATOR

WHEREAS, Resolution No. 93-270, adopted by the Council of the City of Modesto on May 4, 1993, approved the plans and specifications for purchasing one melter applicator

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one melter applicator

were opened at 11:10 a.m. on May 24, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Crafco, Inc. in the amount of $22,299.08

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Crafco, Inc. in the amount of $22,299.08 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-442

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES FOR THE FISCAL YEAR 1993-94

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of bulk gasoline and diesel fuels for the fiscal year 1993-94 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel from the source with the best available price or from any other source available in the event of restricted supplies, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-443

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON AUGUST 7, 1993, AT 824 KIERNAN AVENUE, AND AUGUST 9, 1993, AT 501 NORTH JEFFERSON AND 621 11TH STREET.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on August 7 and 9, 1993, and

WHEREAS, a list of the items to be sold at said auction are on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property which has been accumulated by the City of Modesto, a list of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, August 7, 1993, at 824 Kiernan Avenue, and on Monday, August 9, 1993, at 501 North Jefferson, City Corporation Yard, and 621 11th Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No.

88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-444

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE TO ADMINISTER PARKING CITATION HEARINGS.

WHEREAS, on June 22, 1993, the Council approved adjudication procedures for formal parking citation hearings to be administered by the City (Resolution No. 93-365). Contained in the procedures was a $25.00 hearing fee designed to cover the cost of the hearing examiner, and

WHEREAS, a new organization will be established for this service which will be a part of the Finance Department. The new organization number is 1234 - Parking Citation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment are hereby approved:

General Fund (010)

Fund/Agy/Org/Rev-Obj		Increase
Expenditures		
010-120-1234-0110	Salaries and Wages	$20,885
010-120-1234-0160	Benefits	6,266
010-120-1234-0301	Office Supplies	500
010-120-1234-0201	Postage (inside)	2,500
010-120-1234-0204	Printing (inside)	500
010-120-1234-0217	Copies (inside)	500
010-120-1234-0203	Record Retention (inside)	30
010-120-1234-0210	Telephone (long distance - FAX)	319
010-120-1234-0235	Professional Services	3,000
010-120-1234-5728	Computer Workstation	3,000
Revenues		
010-510-9510-7113	Parking Fines	$37,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-445

Print

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE THE AIRPORT'S APPROVED FISCAL YEAR 1993/94 CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvement projects, and

WHEREAS, on June 22, 1993, the City Council approved five (5) AIP projects amounting to $455,500, and budgeted $45,550 of City funds (Airport Enterprise) for certain projects, and

WHEREAS, the Federal Aviation Administration (FAA) has agreed to fund ninety percent (90%) of each project and has issued a grant offer dated July 6, 1993, in the amount of $409,950, and

WHEREAS, acceptance of the grant offer will obligate the City of Modesto to accomplish the projects as described in the AIP Project No. 3-06-0153-16 offer, which includes upgrading airfield signs, construction of a new section of aircraft taxiway, airfield pavement rehabilitation, and the purchase of a lift vehicle for the disabled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $409,950 to complete the Airport's Fiscal Year 1993/94 capital improvement projects.

BE IT FURTHER RESOLVED that the execution of the grant

acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-446

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR THE SELECTION OF A SYSTEM VENDOR FOR THE ADVANCED TRAFFIC MANAGEMENT SYSTEMS (ATMS) PROJECT.

WHEREAS, the Advanced Traffic Management System (ATMS) will provide the means to coordinate traffic signals throughout the City from one central location, and

WHEREAS, due to the complexity involved in identifying and implementing cost effective state-of-the-art communications and system hardware and software, City staff recommended that consultants experienced in the signal system engineering field should be retained to assist in the design and implementation process, and

WHEREAS, considering available funding, staff decided to implement the project in phases, the first phase of the project is complete, and

WHEREAS, the second phase of the project involves implementing the conceptual plan for the entire city; the first step was to hire the consultant to prepare plans and specifications for installing the communication network in the rest of the City as per the conceptual plan, and

WHEREAS, the consultant will work with the system vendor in establishing connectivity between the communication network and the system; and the second step is to select a system vendor, and

WHEREAS, it is the recommendation of City staff that the Council authorize City staff to issue a request for proposals for the selection of a system vendor for the Advanced Traffic Management System (ATMS) project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for the selection of a System Vendor for the Advanced Traffic Management Systems (ATMS) project for the purpose of installing the required hardware and software, working with the consultant to establish connectivity with the communication network, and to provide the City with a working system. The System Vendor shall also train City staff in the day-to-day operation and maintenance of the system and provide ongoing support services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

07/28/93 OPONOYRB/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-447

Print

A RESOLUTION APPOINTING TOM SLATER TO THE REDEVELOPMENT ADVISORY COMMISSION

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

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

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

Tom Slater
Term to expire: 12/31/96

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-448

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR A PROJECT ENTITLED "BARSCREEN REPLACEMENT"

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

SECTION 1. The specifications for the barscreen replacement

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 2, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-449

Print

A RESOLUTION ACCEPTING THE BID OF COUNTRY FORD TRUCKS, INC. FOR FURNISHING ONE VAN WITH AERIAL LIFT AND THREE MIDSIZE PICKUP TRUCKS WITH EXTENDED CAB

WHEREAS, Resolution No.s 93-188 and 93-224, adopted by the Council of the City of Modesto on April 6, 1993 and April 20, 1993, approved the plans and specifications for purchasing one van with aerial lift and three midsize pickup trucks with extended cab and authorized the calling for bids; and

WHEREAS, the bids received for the van with aerial lift and three midsize pickup trucks with extended cab were opened on April 26, 1993 and May 17, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Country Ford Trucks, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Country Ford Trucks, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-450

Print

A RESOLUTION ACCEPTING THE BID OF FOLSOM LAKE FORD FOR FURNISHING ONE PICKUP TRUCK WITH EXTENDED CAB, CAB AND CHASSIS, ONE 3/4 TON PICKUP TRUCK, AND TWO 3/4 TON PICKUP TRUCKS WITH ELECTRO-HYDRAULIC DUMP

WHEREAS, Resolution No.s 93-225 and 93-226, adopted by the Council of the City of Modesto on April 20, 1993, approved the plans and specifications for the purchase of one pickup truck with extended cab, cab and chassis, one 3/4 ton pickup truck, and two 3/4 ton pickup trucks with electro-hydraulic dump and authorized the calling for bids; and

WHEREAS, the bids received for furnishing one pickup truck with extended cab, cab and chassis, one 3/4 ton pickup truck, and two 3/4 ton pickup trucks with electro-hydraulic dump were opened May 17, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance recommended that the bid of Folsom Lake Ford be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Folsom Lake Ford be accepted and the execution of a contract by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-451

Print

A RESOLUTION ACCEPTING THE MODESTO CITY-COUNTY AIRPORT TERMINAL BUILDING EXPANSION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Modesto City-County Airport terminal building expansion project has been completed by Shan-Lyn Construction, Inc. in accordance with the contract agreement dated December 26, 1989.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City-County Airport terminal building expansion project be accepted from said contractor, Shan-Lyn Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,561,305.37 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-452

Print

A RESOLUTION WAIVING FORMAL BID REQUIREMENTS AND AUTHORIZING PURCHASE OF LANDSCAPE MAINTENANCE SERVICES FROM BIBENS NURSERY COMPANY, CONTINENTAL LANDSCAPE, INC., ENVIRONMENTAL CARE, INC., AND GROVER LANDSCAPING, INC.

WHEREAS, the Engineering Division of the Public Works & Transportation Department has requested pricing for landscape maintenance service for various locations; and

WHEREAS, an informal bid was held on May 12, 1993 in the City Clerk's Office in order to meet a deadline required by certain projects.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of landscape maintenance services is hereby waived.

BE IT FURTHER RESOLVED that purchase of landscape maintenance wervices from Bibens Nursery Company, Continental Landscape, Inc., Environmental Care, Inc., and Grover Landscaping, Inc. for an estimated cost of $43,212.00 be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-453

A RESOLUTION AMENDING THE FISCAL YEAR 1994-94 ANNUAL BUDGET TO IMPLEMENT THE PUBLIC WORKS AND TRANSPORTATION MANAGEMENT AUDIT RECOMMENDATION RELATED TO THE BUILDING SERVICES DIVISION.

WHEREAS, the Public Works and Transportation management audit recommended moving the building services functions from the Public Works and Transportation Department to the Parks and Recreation Department, and

WHEREAS, said audit also recommended a consolidation of the City's related building services under one division, and

WHEREAS, the recommended action will better coordinate building services, improve service delivery and utilization of City staff, and allow a comparative study of the cost of consolidated services versus contracting outside services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments set forth on Schedule A attached hereto and incorporated herein by reference are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

SCHEDULE A

APPROPRIATION CHANGES

FD	*AGY*	*ORGN*	*ORGN DESC*	*TOTAL ADJ TO ORGN*
010	190	1901	POLICE ADMIN	(79,356)
010	190	1921	RECORDS & SUPPORT	(209,475)
010	310	3112	PARKS-SVC & REPAIR	1,892,941
010	310	3113	PARKS-GROUND MTC	(2,070,019)
010	320	3212	TREE MAINTENANCE	486,808
010	320	3213	TREES PRESV & PLANTING	(486,808)
010	350	3512	P & R BLDG SERVICES	1,444,460
010	360	3612	CULTURAL-MUSEUM	(34,985)
010	360	3613	CULTURAL-MANSION	(29,224)
010	370	3712	RECREATION DIVISION	(11,612)
010	380	3811	FACILITIES-GENERAL	(156,127)
010	380	3812	FACILITIES-KING KENNEDY	(13,193)
010	380	3813	FACILITIES-SR CITIZEN	(29,847)
010	380	3814	FACILITIES-COMM SERV CTR	(17,107)
010	490	4912	BLDG MTC DIV	(689,974)
010	800	8000	APPROPRIATED RESV	3,518
113	140	1452	CDBG-ADMINISTRATION	0
113	140	1454	CDBG-PUBLIC SERVICES	0
113	140	1455	CDBG-TRANSITIONAL HOUSI	0
113	140	1456	CDBG-HOUSING REHAB	0
113	140	1457	CDBG-SMALL BUSINESS PROG	0
117	140	1458	HOME-HOUSING DEVL	0
621	480	5213	WWTP-PRIMARY	(182)
621	800	8000	APPROPRIATED RESV	182
890	310	3912	TRRP OPERATING	0

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	190	1901	0210	198,416	119,060	(79,356)
010	190	1921	0110	1,855,434	1,760,273	(95,161)
010	190	1921	0111	124,691	118,296	(6,395)
010	190	1921	0112	35,729	33,897	(1,832)
010	190	1921	0113	17,068	16,193	(875)
010	190	1921	0114	33,696	31,968	(1,728)
010	190	1921	0115	10,890	10,331	(559)
010	190	1921	0116	4,201	3,986	(215)
010	190	1921	0117	209	198	(11)
010	190	1921	0118	4,252	4,034	(218)
010	190	1921	0119	724	687	(37)
010	190	1921	0130	34,500	28,000	(6,500)
010	190	1921	0140	37,578	28,281	(9,297)
010	190	1921	0150	5,344	5,099	(245)
010	190	1921	0151	161,084	153,715	(7,369)
010	190	1921	0152	34,815	33,222	(1,593)
010	190	1921	0153	6,766	6,456	(310)
010	190	1921	0154	13,186	12,583	(603)
010	190	1921	0155	13,466	12,740	(726)
010	190	1921	0160	401,660	383,286	(18,374)
010	190	1921	0161	47,408	44,955	(2,453)
010	190	1921	0162	39,036	39,036	0
010	190	1921	0163	2,226	2,124	(102)
010	190	1921	0164	4,474	4,000	(474)
010	190	1921	0165	33,180	33,180	0
010	190	1921	0166	730	697	(33)
010	190	1921	0167	6,474	6,474	0
010	190	1921	0223	152,360	112,780	(39,580)
010	190	1921	0226	2,670	877	(1,793)
010	190	1921	0235	15,150	14,500	(650)
010	190	1921	0304	12,842	500	(12,342)
010	310	3112	0110	585,084	1,507,491	922,407
010	310	3112	0111	54,709	123,328	68,619
010	310	3112	0112	19,243	44,298	25,055
010	310	3112	0113	6,321	10,605	4,284
010	310	3112	0114	25,634	63,881	38,247
010	310	3112	0115	3,511	9,288	5,777
010	310	3112	0116	2,177	4,691	2,514
010	310	3112	0117	211	887	676
010	310	3112	0119	351	1,479	1,128
010	310	3112	0121	5,057	13,147	8,090
010	310	3112	0130	17,000	27,644	10,644
010	310	3112	0140	15,061	123,469	108,408
010	310	3112	0150	1,833	4,937	3,104
010	310	3112	0151	56,296	147,081	90,785
010	310	3112	0152	12,223	31,444	19,221
010	310	3112	0153	2,245	5,697	3,452
010	310	3112	0154	4,423	11,257	6,834
010	310	3112	0155	2,852	9,722	6,870
010	310	3112	0160	102,198	252,804	150,606
010	310	3112	0161	21,089	57,024	35,935
010	310	3112	0162	11,929	49,914	37,985
010	310	3112	0163	336	944	608

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	310	3112	0164	1,587	7,001	5,414
010	310	3112	0166	351	896	545
01	310	3112	0167	2,193	5,888	3,695
010	310	3112	0202	13	60	47
010	310	3112	0204	238	864	626
010	310	3112	0207		733	733
010	310	3112	0208	150	265	115
010	310	3112	0209	921	1,808	887
010	310	3112	0210	300	178,278	177,978
010	310	3112	0216	1,960	4,016	2,056
010	310	3112	0218	258,987	384,107	125,120
010	310	3112	0223	19,777	37,909	18,132
010	310	3112	0226	2,704	6,740	4,036
010	310	3112	0235	43,295	59,630	16,335
010	310	3112	0255	4,016	6,632	2,616
010	310	3112	0302	205	215	10
010	310	3112	0304	895	15,674	14,779
010	310	3112	0306		15,000	15,000
010	310	3112	0308	11,710	44,986	33,276
010	310	3112	0310	2,375	29,070	26,695
010	310	3112	0312	0	13,191	13,191
010	310	3112	0360	107,110	127,745	20,635
010	310	3112	0413	261	522	261
010	310	3112	0415	4,795	11,935	7,140
0	310	3112	0430		3,251	3,251
0	310	3112	5231		1,400	1,400
010	310	3112	5232		1,000	1,000
010	310	3112	5233		860	860
010	310	3112	5234		970	970
010	310	3112	5235		1,200	1,200
010	310	3112	5236		3,500	3,500
010	310	3112	5237		2,000	2,000
010	310	3112	5238		3,200	3,200
010	310	3112	5239		1,800	1,800
010	310	3112	5240		1,800	1,800
010	310	3112	9990	(25,195)	(193,806)	(168,611)
010	310	3113	0110	1,036,197	36,443	(999,754)
010	310	3113	0111	78,617	2,765	(75,852)
010	310	3113	0112	28,605	1,006	(27,599)
010	310	3113	0113	5,307	187	(5,120)
010	310	3113	0114	43,154	1,518	(41,636)
010	310	3113	0115	6,469	228	(6,241)
010	310	3113	0116	2,904	102	(2,802)
010	310	3113	0117	730	26	(704)
010	310	3113	0119	1,217	43	(1,174)
010	310	3113	0121	9,078	319	(8,759)
010	310	3113	0130	12,144	0	(12,144)
	310	3113	0140	110,408	0	(110,408)
010	310	3113	0150	3,446	115	(3,331)
010	310	3113	0151	101,147	3,367	(97,780)
010	310	3113	0152	21,454	714	(20,740)
010	310	3113	0153	3,860	129	(3,731)
010	310	3113	0154	7,638	254	(7,384)

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	310	3113	0155	7,445	195	(7,250)
010	310	3113	0160	168,929	5,624	(163,305)
010	310	3113	0161	39,821	1,188	(38,633)
010	310	3113	0162	39,467	0	(39,467)
010	310	3113	0163	672	22	(650)
010	310	3113	0164	5,744	60	(5,684)
010	310	3113	0166	609	20	(589)
010	310	3113	0167	3,968	0	(3,968)
010	310	3113	0202	47	0	(47)
010	310	3113	0204	626	0	(626)
010	310	3113	0207	733	0	(733)
010	310	3113	0208	185	0	(185)
010	310	3113	0209	1,387	0	(1,387)
010	310	3113	0210	177,978	0	(177,978)
010	310	3113	0216	2,456	0	(2,456)
010	310	3113	0218	136,497	0	(136,497)
010	310	3113	0223	18,667	0	(18,667)
010	310	3113	0226	4,556	0	(4,556)
010	310	3113	0231	30,269	0	(30,269)
010	310	3113	0235	16,335	0	(16,335)
010	310	3113	0255	2,616	0	(2,616)
010	310	3113	0302	215	0	(215)
010	310	3113	0304	15,674	0	(15,674)
010	310	3113	0306	15,000	0	(15,000)
010	310	3113	0308	35,276	0	(35,276)
010	310	3113	0310	26,695	0	(26,695)
010	310	3113	0312	13,191	0	(13,191)
010	310	3113	0360	30,220	0	(30,220)
010	310	3113	0401	120	0	(120)
010	310	3113	0413	261	0	(261)
010	310	3113	0415	7,140	0	(7,140)
010	310	3113	0430	3,251	0	(3,251)
010	310	3113	5231	1,400	0	(1,400)
010	310	3113	5232	1,000	0	(1,000)
010	310	3113	5233	860	0	(860)
010	310	3113	5234	970	0	(970)
010	310	3113	5235	1,200	0	(1,200)
010	310	3113	5236	3,500	0	(3,500)
010	310	3113	5237	2,000	0	(2,000)
010	310	3113	5238	3,200	0	(3,200)
010	310	3113	5239	1,800	0	(1,800)
010	310	3113	5240	1,800	0	(1,800)
010	310	3113	9990	(171,811)	0	171,811
010	320	3212	0110	832,865	1,029,887	197,022
010	320	3212	0111	62,179	78,701	16,522
010	320	3212	0112	32,007	37,245	5,238
010	320	3212	0113	7,743	8,804	1,061
010	320	3212	0114	35,229	43,559	8,330
010	320	3212	0115	6,901	7,593	692
010	320	3212	0116	2,188	3,664	1,476
010	320	3212	0117	692	808	116
010	320	3212	0119	1,185	1,370	185
010	320	3212	0121	11,302	11,418	116

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	320	3212	0130	12,588	16,548	3,960
010	320	3212	0150	2,667	3,664	997
010	320	3212	0151	77,930	94,899	16,969
010	320	3212	0152	17,170	20,887	3,717
010	320	3212	0153	3,225	3,966	741
010	320	3212	0154	6,254	7,717	1,463
010	320	3212	0155	4,779	5,575	796
010	320	3212	0160	144,403	178,189	33,786
010	320	3212	0161	27,945	35,299	7,354
010	320	3212	0162	59,441	62,021	2,580
010	320	3212	0163	504	819	315
010	320	3212	0164	1,487	1,835	348
010	320	3212	0166	495	611	116
010	320	3212	0167	3,132	3,863	731
010	320	3212	0202	39	57	18
010	320	3212	0204	365	482	117
010	320	3212	0208	350	625	275
010	320	3212	0209	412	489	77
010	320	3212	0210	250	1,025	775
010	320	3212	0218	240,417	336,009	95,592
010	320	3212	0223	4,257	5,174	917
010	320	3212	0226	4,558	5,094	536
010	320	3212	0235	8,550	32,801	24,251
010	320	3212	0255	403	487	84
010	320	3212	0302	160	390	230
010	320	3212	0304	810	955	145
010	320	3212	0308	17,075	23,193	6,118
010	320	3212	0310	2,240	43,882	41,642
010	320	3212	0312		152	152
010	320	3212	0360	0	1,035	1,035
010	320	3212	0401	200	510	310
010	320	3212	0413	620	725	105
010	320	3212	0415	11,333	22,331	10,998
010	320	3212	9990	(14,700)	(15,900)	(1,200)
010	320	3213	0110	211,248	14,226	(197,022)
010	320	3213	0111	17,715	1,193	(16,522)
010	320	3213	0112	5,616	378	(5,238)
010	320	3213	0113	1,138	77	(1,061)
010	320	3213	0114	8,932	602	(8,330)
010	320	3213	0115	742	50	(692)
010	320	3213	0116	1,583	107	(1,476)
010	320	3213	0117	124	8	(116)
010	320	3213	0119	198	13	(185)
010	320	3213	0121	124	8	(116)
010	320	3213	0130	3,960	0	(3,960)
010	320	3213	0150	1,063	66	(997)
010	320	3213	0151	18,084	1,115	(16,969)
010	320	3213	0152	3,961	244	(3,717)
010	320	3213	0153	790	49	(741)
010	320	3213	0154	1,559	96	(1,463)
010	320	3213	0155	848	52	(796)
010	320	3213	0160	36,006	2,220	(33,786)
010	320	3213	0161	7,837	483	(7,354)

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	320	3213	0162	2,580	0	(2,580)
010	320	3213	0163	336	21	(315)
010	320	3213	0164	371	23	(348)
010	320	3213	0166	124	8	(116)
010	320	3213	0167	731	0	(731)
010	320	3213	0202	18	0	(18)
010	320	3213	0204	117	0	(117)
010	320	3213	0208	275	0	(275)
010	320	3213	0209	77	0	(77)
010	320	3213	0210	775	0	(775)
010	320	3213	0218	95,592	0	(95,592)
010	320	3213	0223	917	0	(917)
010	320	3213	0226	536	0	(536)
010	320	3213	0235	24,251	0	(24,251)
010	320	3213	0255	84	0	(84)
010	320	3213	0302	230	0	(230)
010	320	3213	0304	145	0	(145)
010	320	3213	0308	6,118	0	(6,118)
010	320	3213	0310	41,642	0	(41,642)
010	320	3213	0312	152	0	(152)
010	320	3213	0360	1,035	0	(1,035)
010	320	3213	0401	310	0	(310)
010	320	3213	0413	105	0	(105)
010	320	3213	0415	10,998	0	(10,998)
010	320	3213	9990	(1,200)	0	1,200
010	350	3512	0110	0	510,922	510,922
010	350	3512	0111	0	38,565	38,565
010	350	3512	0112	0	16,354	16,354
010	350	3512	0113	0	4,340	4,340
010	350	3512	0114	0	17,723	17,723
010	350	3512	0115	0	4,263	4,263
010	350	3512	0116	0	2,510	2,510
010	350	3512	0117	0	65	65
010	350	3512	0118	0	218	218
010	350	3512	0119	0	954	954
010	350	3512	0121	0	847	847
010	350	3512	0130	0	10,586	10,586
010	350	3512	0140	0	34,447	34,447
010	350	3512	0150	0	2,216	2,216
010	350	3512	0151	0	45,145	45,145
010	350	3512	0152	0	10,091	10,091
010	350	3512	0153	0	2,167	2,167
010	350	3512	0154	0	3,661	3,661
010	350	3512	0155	0	3,396	3,396
010	350	3512	0160	0	85,325	85,325
010	350	3512	0161	0	19,538	19,538
010	350	3512	0162	0	5,049	5,049
010	350	3512	0163	0	663	663
010	350	3512	0164	0	2,174	2,174
010	350	3512	0166	0	273	273
010	350	3512	0167	0	1,631	1,631
010	350	3512	0202		25	25
010	350	3512	0208		70	70

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	350	3512	0209		2,000	2,000
010	350	3512	0210		465,644	465,644
010	350	3512	0214		1,152	1,152
010	350	3512	0216		400	400
010	350	3512	0217		100	100
010	350	3512	0218		18,548	18,548
010	350	3512	0223		86,867	86,867
010	350	3512	0226		4,561	4,561
010	350	3512	0231		30,269	30,269
010	350	3512	0235		3,341	3,341
010	350	3512	0301		100	100
010	350	3512	0302		305	305
010	350	3512	0304		31,686	31,686
010	350	3512	0308		4,410	4,410
010	350	3512	0310		370	370
010	350	3512	0360		41,671	41,671
010	350	3512	0401		120	120
010	350	3512	0413		4,695	4,695
010	350	3512	0415		1,885	1,885
010	350	3512	9990	0	(76,882)	(76,882)
010	360	3612	0210		(24,774)	(24,774)
010	360	3612	0214	288	0	(288)
010	360	3612	0223	8,610	1,187	(7,423)
010	360	3612	0304	1,000	0	(1,000)
010	360	3612	0360	1,500	0	(1,500)
010	360	3613	0210	13,157	0	(13,157)
010	360	3613	0214	144	0	(144)
010	360	3613	0223	20,622	6,665	(13,957)
010	360	3613	0304	1,016	0	(1,016)
010	360	3613	0360	950	0	(950)
010	370	3712	0210	51,484	45,679	(5,805)
010	370	3712	0214	288	0	(288)
010	370	3712	0223	2,790	1,115	(1,675)
010	370	3712	0226	580	530	(50)
010	370	3712	0235	18,172	16,826	(1,346)
010	370	3712	0304	1,988	600	(1,388)
010	370	3712	0360	1,060	0	(1,060)
010	380	3811	0110	96,933	0	(96,933)
010	380	3811	0111	6,363	0	(6,363)
010	380	3811	0112	3,468	0	(3,468)
010	380	3811	0114	2,166	0	(2,166)
010	380	3811	0115	2,738	0	(2,738)
010	380	3811	0116	561	0	(561)
010	380	3811	0130	487	0	(487)
010	380	3811	0150	559	0	(559)
010	380	3811	0151	10,616	0	(10,616)
010	380	3811	0152	2,652	0	(2,652)
010	380	3811	0153	505	0	(505)
010	380	3811	0154	707	0	(707)
010	380	3811	0155	854	0	(854)
010	380	3811	0160	16,332	0	(16,332)
010	380	3811	0161	3,238	0	(3,238)
010	380	3811	0162	892	0	(892)

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	380	3811	0163	168	0	(168)
010	380	3811	0164	168	0	(168)
0	380	3811	0166	55	0	(55)
010	380	3811	0167	418	0	(418)
010	380	3811	0202	5	0	(5)
010	380	3811	0218	3,785	0	(3,785)
010	380	3811	0226	364	0	(364)
010	380	3811	0413	1,553	0	(1,553)
010	380	3811	0415	540	0	(540)
010	380	3812	0210	10,380	1,896	(8,484)
010	380	3812	0214	144	0	(144)
010	380	3812	0223	3,010	1,193	(1,817)
010	380	3812	0226	50	0	(50)
010	380	3812	0235	3,000	2,700	(300)
010	380	3812	0304	1,054	154	(900)
010	380	3812	0308	500	0	(500)
010	380	3812	0360	998	0	(998)
010	380	3813	0210	14,216	0	(14,216)
010	380	3813	0214	144	0	(144)
010	380	3813	0223	8,840	0	(8,840)
010	380	3813	0235	415	0	(415)
010	380	3813	0304	3,439	0	(3,439)
010	380	3813	0310	370	0	(370)
010	380	3813	0360	1,578	0	(1,578)
010	380	3813	0413	845	0	(845)
0	380	3814	0210	12,500	0	(12,500)
010	380	3814	0214	144	0	(144)
010	380	3814	0223	731	0	(731)
010	380	3814	0304	583	0	(583)
010	380	3814	0308	600	0	(600)
010	380	3814	0360	1,000	0	(1,000)
010	380	3814	0413	1,549	0	(1,549)
010	490	4912	0110	221,373	0	(221,373)
010	490	4912	0111	16,932	0	(16,932)
010	490	4912	0112	8,022	0	(8,022)
010	490	4912	0113	2,561	0	(2,561)
010	490	4912	0114	9,746	0	(9,746)
010	490	4912	0115	418	0	(418)
010	490	4912	0116	1,385	0	(1,385)
010	490	4912	0119	862	0	(862)
010	490	4912	0130	2,099	0	(2,099)
010	490	4912	0150	1,118	0	(1,118)
010	490	4912	0151	18,406	0	(18,406)
010	490	4912	0152	3,944	0	(3,944)
010	490	4912	0153	1,010	0	(1,010)
010	490	4912	0154	1,645	0	(1,645)
010	490	4912	0155	990	0	(990)
0	490	4912	0160	34,319	0	(34,319)
0	490	4912	0161	9,575	0	(9,575)
010	490	4912	0162	2,675	0	(2,675)
010	490	4912	0163	336	0	(336)
010	490	4912	0164	391	0	(391)
010	490	4912	0166	129	0	(129)

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
010	490	4912	0167	940	0	(940)
010	490	4912	0202	20	0	(20)
0[illegible]	490	4912	0209	1,500	0	(1,500)
010	490	4912	0210	307,352	0	(307,352)
010	490	4912	0217	100	0	(100)
010	490	4912	0218	3,386	0	(3,386)
010	490	4912	0223	24,309	0	(24,309)
010	490	4912	0226	1,602	0	(1,602)
010	490	4912	0235	630	0	(630)
010	490	4912	0301	100	0	(100)
010	490	4912	0302	100	0	(100)
010	490	4912	0304	10,123	0	(10,123)
010	490	4912	0308	1,310	0	(1,310)
010	490	4912	0360	13,000	0	(13,000)
010	490	4912	0413	748	0	(748)
010	490	4912	0415	1,345	0	(1,345)
010	490	4912	9990	(14,527)	0	14,527
010	800	8000	8003		(182)	(182)
010	800	8000	8003		3,700	3,700
113	140	1452	0255	54,188	54,988	800
113	140	1452	0304	1,060	260	(800)
113	140	1454	0255	29,861	30,285	424
113	140	1454	0304	560	136	(424)
113	140	1455	0255	37,201	37,601	400
1[illegible]	140	1455	0304	530	130	(400)
1[illegible]	140	1456	0255	78,571	79,326	755
113	140	1456	0304	1,000	245	(755)
113	140	1457	0255	14,931	15,497	566
113	140	1457	0304	750	184	(566)
117	140	1458	0255	16,571	17,326	755
117	140	1458	0304	1,000	245	(755)
621	480	5213	0110	734,161	714,053	(20,108)
621	480	5213	0111	59,951	58,309	(1,642)
621	480	5213	0112	17,823	17,335	(488)
621	480	5213	0113	2,473	2,405	(68)
621	480	5213	0114	25,328	24,634	(694)
621	480	5213	0115	3,070	2,986	(84)
621	480	5213	0116	2,217	2,156	(61)
621	480	5213	0117	938	912	(26)
621	480	5213	0119	341	332	(9)
621	480	5213	0121	6,481	6,303	(178)
621	480	5213	0150	2,282	2,215	(67)
621	480	5213	0151	60,633	58,874	(1,759)
621	480	5213	0152	13,209	12,826	(383)
621	480	5213	0153	2,185	2,122	(63)
621	480	5213	0154	5,376	5,220	(156)
621	480	5213	0155	2,787	2,706	(81)
6[illegible]	480	5213	0160	124,092	120,491	(3,601)
6[illegible]	480	5213	0161	23,758	23,069	(689)
621	480	5213	0162	10,064	10,064	0
621	480	5213	0163	504	489	(15)
621	480	5213	0164	1,281	1,244	(37)
621	480	5213	0166	427	415	(12)

FD	AGY	ORGN	OBJT	UR MOD BU	REVISED AMT	INC/ DECR
621	480	5213	0167	2,402	2,402	0
6?'	480	5213	0226	5,150	4,968	(182)
6.	480	5213	0255	35,089	65,310	30,221
621	800	8000	8003		182	182
890	310	3912	0140	35,059	11,909	(23,150)
890	310	3912	0155	1,403	1,038	(365)
890	310	3912	0161	4,103	3,218	(885)
890	310	3912	0164	1,389	555	(834)
890	310	3912	0255	42,350	67,584	25,234
TOTAL EFFECT = 0				11,460,920	11,460,920	0

MODESTO CITY COUNCIL
RESOLUTION NO. 93-454

Print

A RESOLUTION ADOPTING A HARDSHIP ACQUISITION POLICY

WHEREAS, the creation of s specific plan for villages has created unique problems for some landowners in the areas designated for public uses, such as roads, schools and park sites, drainage basins, etc. Property owners who need/desire to sell may be unable to do so due to these land use regulations; and

WHEREAS, in order to give the City Council some parameters to use when evaluating requests for hardship acquisition, staff has recommended a Hardship Acquisition Policy be approved containing criteria to determine which requests would qualify in the hardship category.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "Hardship Acquisition Policy and Procedures", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Recommended Revision
August 3, 1993

HARDSHIP ACQUISITION POLICY AND PROCEDURES

I. POLICY

A. General

Hardship is defined as a situation where unusual personal circumstances occur to an owner of a property and are aggravated or perpetuated by the anticipated purchase of said property for a public facility and where these circumstances cannot be solved by the owner without acquisition of the property by a public agency. The City of Modesto's practice is to investigate to determine the need and, if appropriate, acquire the property with a minimum of delay subject to the availability of funds.

Owners of hardship parcels should receive appraised value and consideration and service consistent with normal acquisition procedures of the City of Modesto, including sufficient time to consider the City's offer and appropriate relocation assistance.

B. Basis for Determinations

1. To be approved, a hardship request must meet the following minimum requirements:
   a. Owner can demonstrate need to dispose of a property.

b. Owner is unable to dispose a property at fair market value because of the public's need for the property.

c. Owner cannot reasonably alleviate his or her hardship in the absence of City's purchase.

d. The property is within the city limits, it complies with the City's General Plan, and it is designated for a specific use by the City.

f. City's purchase will alleviate the hardship.

g. If another agency is expected to be involved in the project, such as a school/park site, agreement from that agency must be secured regarding its participation in reimbursement, if appropriate.

2. Inconvenience experienced by all or most owners involved in the public project is not satisfactory reason for a hardship purchase. (For example, an owner's simple desire to sell or move to another area does not meet above criteria.)

II. PROCEDURE

A. Criteria

The following criteria will be given consideration when evaluating a potential hardship situation. Each owner requesting City acquisition due to hardship will be informed of the criteria and provided a copy of this policy.

1. Medical

a. Advanced age. Care or assistance is needed from others and such care cannot be provided in the home for similar costs as the care provided elsewhere.

b. Ambulatory defects, diseases, or major disabilities, where present facilities are inadequate or can not be reasonably retrofitted or where facilities cannot be maintained by owner.

c. Change in climate or physical environment is recommended by a doctor.

d. Other equivalent disabilities.

2. Financial

a. Unsuccessful attempts to market property

b. Litigation (e.g., probate)

c. Loss of employment and/or financial distress involving personal or business circumstances.

d. Retirement (Owner can not afford maintenance or has to purchase retirement home, etc.)

e. Maintenance, taxes, and/or rehabilitation cost, or other circumstances present substantial burden.

3. Change of Work Location Creating Need to Move

B. <u>Process</u>

1. Application

For consideration of hardship acquisition, owner shall submit a written application to the City Manager, stating

specific reason(s). The following documentation, as applicable, shall accompany the application.

a. Map of property.

b. If previously listed, a copy of the listing, including advertisements in at least one local publication. Property must have been actively listed for a minimum of ninety days at an asking price approximately that of appraised value.

c. Statement from listing broker why the property cannot be sold.

d. If hardship is for medical reasons, a doctor's statement.

e. If hardship is because of a transfer in employment, a letter of verification from the employer.

2. Review

After review by the City Manager, applications shall be forwarded to Department Heads and to the Property Agent, who will return comments and recommendations to the City Manager. A staff recommendation will then be presented to the appropriate City Council Committee; this committee will forward its recommendation to the full City Council for consideration and action. Should the City Council determine that a potential hardship exists, the following additional documentation will be required.

a. A verified certificate of a Phase I audit stating that no hazardous waste is present.

b. An appraisal of the subject property, acceptable to the City of Modesto. This appraisal shall be no more than six months old, having been performed by a Certified Appraiser.

At the time of closing, the City shall reimburse owner for all such expenses that the City in its sole descretion shall determine are reasonable.

3. Notification

a. The City of Modesto considers hardship request to be a sensitive function since the outcome of the request (approval/disapproval) could have a serious impact on the applicant.

b. To insure proper notification is given, the City is to inform the applicant by certified mail after the request has been considered and a decision rendered. This action also applies if the request is denied.

c. If no funds are available, the applicant will be advised of this and the future expectations of funding.

4. Termination

If during the process the City Manager determines that a hardship no longer exists, the process may be terminated and any outstanding offer by the City to purchase withdrawn and the owner advised of his rights to appeal the case to the City Council.

5. Hardship Appeals Process

a. All hardship applicants whose requests have been denied shall have the opportunity to have their hardship applications reviewed by the City Council. The City shall notify all hardship applicants whose applications have been denied that they can appeal the decision in writing to the City Council.

b. The file should be documented that the applicant was advised of the opportunity to appeal this hardship request and to appeal personally before the City Council if he or she so desires after having written a letter to the City Clerk requesting that this appeal be placed on the City Council agenda.

c. After a careful review of the circumstances, the City Council shall make a final finding, upholding or reversing their previous decision.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-455

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES TO HONEY BEE ESTATES FOR 15 UNITS OF VERY LOW, LOW, AND MODERATE INCOME, SINGLE-FAMILY HOUSING IN THE CITY OF EMPIRE WITHIN THE CITY OF MODESTO'S SPHERE OF INFLUENCE.

WHEREAS, Honey Bee Estates and the County Redevelopment Agency are partners in a low to moderate income 15-unit single-family housing project in the City of Empire, and

WHEREAS, building permits are proposed to be issued by the County of Stanislaus, as the site is located within the City of Empire, and

WHEREAS, the proposed project is located within the City of Modesto's sphere of influence and is subject to payment of Streets and Administrative Capital Facilities Fees (CFF), and

WHEREAS, Jim Nylen, the developer of Honey Bee Estates, has requested a deferral of the City of Modesto's Capital Facilities Fees (possible exemption) for the 15-units of very low, low, or moderate income single-family housing, and

WHEREAS, the for-profit developer is working with the County Redevelopment Agency, and said developer is limiting his units to sale prices affordable to low-income households (50-80% MAI) and moderate income households (80-90% MAI), and

WHEREAS, in return, the developer will be granted County Public Facilities Fees (PFF) exemptions and deferrals as noted below plus up to $60,000 total down payment assistance from

the County Redevelopment Agency for first-time home buyers of the 15 units, and

WHEREAS, the developer has obtained certain terms from the County of Stanislaus and the County Redevelopment Agency, and the developer has requested comparable treatment from the City of Modesto, and

WHEREAS, on July 26, 1993, the Infrastructure Staff Task Force considered this matter and recommended the deferral on the terms and conditions designated as Alternative No. 1 in its memo, and

WHEREAS, said matter was considered by the City Council at its meeting held on August 3, 1993, at 7:30 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City and County staffs have been working together to minimize differences in interpretation of how developer fees are to be administered: The City has been lead agency on fees determinations for projects within the City limits; the County has been lead agency for projects outside the City limits in the City's Sphere of Influence; therefore, the City Council does hereby grant a deferral of Streets and Administrative CFF to Honey Bee Estates under the following terms and conditions: follows:

1. Sales to very low-income household (less than 50% MAI), will be exempt from Streets and Administrative CFF.

2. For sales to low-income household (50-80% MAI) or moderate income household (89-90% MAI), the County Redevelopment Agency will monitor the situation and after ten years, will reimburse the City for Streets CFF and Administrative CFF but not accrued interest. Sales to a household with an above-moderate income (above (0% of the median area income) shall not qualify for a deferral.

3. Any resale within ten years triggers seller into paying Streets CFF and Administrative CFF but not accrued interest.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

08/09/93 OPONOZIX/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-456

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REDEVELOPMENT AGENCY REGARDING EXEMPTION/DEFERRAL OF CAPITAL FACILITIES FEES FOR HONEY BEE ESTATES IN EMPIRE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Redevelopment Agency regarding exemption/deferral of Capital Facilities fees for Honey Bee Estates in Empire

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd **day of** August **,** **19** 93**, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-457

Print

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION FOR THE FISCAL YEAR 1993-94.

WHEREAS, as a result of budget difficulties brought on in part by the State, the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association for the Fiscal Year 1993-94 does not contain any across-the-board salary or benefit increases for employees, and

WHEREAS, said Memorandum of Understanding does addresses equity adjustments in pay differentials for several employees, provision of uniform pants for all maintenance employees, elimination of mandatory participation in the City's deferred compensation program, and adjustment in the vacation accrual formula for employees with 11 to 20 years of service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association for Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that all previous actions relating to Modesto City Employees Association employees not in concert with this resolution are hereby superseded by this resolution.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City officials is

hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-458

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ALBERT L. THOMPSON FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE

WHEREAS, Lance Thompson was appointed a member of the International Friendship Committee on March 18, 1986; and

WHEREAS, Lance Thompson has tendered his resignation, effective August 3, 1993; and

WHEREAS, Lance Thompson has been a devoted and sincere publuc servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Lance Thompson from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Lance Thompson for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-459

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ZEFF ROAD STREET IMPROVEMENTS AT TANK NO. 3

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

SECTION 1. The specifications for the Zeff Road street improvements at Tank No. 3 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 2, 1993 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 19 93, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-460

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR UPGRADING AIRPORT RUNWAY 28R-10L ELECTRICAL REGULATOR

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

SECTION 1. The specifications for upgrading airport runway 28R-10L electrical regulator , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993 , by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-461

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATERLINES IN TERESA-TEBBUTT AREA

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

SECTION 1. The specifications for installation of waterlines in Teresa-Tebbutt area, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-462

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR GRADE CROSSING IMPROVEMENTS AT WHITMORE AVENUE AND UNION PACIFIC RAILROAD CROSSING

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

SECTION 1. The specifications for grade crossing improvements at Whitmore Avenue and Union Pacific Railroad Crossing , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 9, 1993 at 11:15 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-463

Print

A RESOLUTION ACCEPTING THE BID OF UNITED STATES ELEVATOR CORPORATION FOR FURNISHING ELEVATOR MAINTENANCE SERVICE

WHEREAS, Resolution No. 93-207 **, adopted by the Council of the City of Modesto on** April 13 **, 19** 93 **, approved the plans and specifications for** furnishing elevator maintenance service

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing elevator maintenance service **were opened at** 11:00 a.m. **on** May 17, **19** 93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** United States Elevator Corporation in the amount of $23,856 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of United States Elevator Corporation in the amount of $23,856 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th **day of** August **,** 19 93 **, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-464

Print

A RESOLUTION ACCEPTING THE LINDEN AVENUE, MARTIN LUTHER KING BOULEVARD AND LAUREL AVENUE STORM DRAIN EXTENSION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Linden Avenue, Martin Luther King Boulevard and Laurel Avenue storm drain extension has been completed by Allen Waggoner Construction, Inc. in accordance with the contract agreement dated January 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Linden Avenue, Martin Luther King Boulevard and Laurel Avenue storm drain extension be accepted from said contractor, Allen Waggoner Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $54,191.30 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-465

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BROKER OF RECORD SERVICES FOR EMPLOYEE GROUP INSURANCE COVERAGES FROM A.S. BENZ & ASSOCIATES

WHEREAS, the Risk Management Division of the Personnel Department has requested the purchase of Broker of Record services to provide for a variety of professional services; and

WHEREAS, specifications were developed and proposals were sought from numerous potential providers, with A.S. Benz & Associates being selected after committee review and evaluation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of Broker of Record services for employee group insurance coverage is hereby waived.

BE IT FURTHER RESOLVED that purchase of Broker of Record services for employee group insurance coverage from A. S. Benz & Associates for the total cost of $31,000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-466

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND A. S. BENZ & ASSOCIATES FOR BROKER OF RECORD SERVICES FOR EMPLOYEE GROUP INSURANCE COVERAGES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and A. S. Benz & Associates for Broker of Record services for employee group insurance coverages

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th **day of** August **,** 19 93 **, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

Print

RESOLUTION NO. 93-467

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING ISSUANCE OF NOT TO EXCEED $9,000,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE BONDS, SERIES 1993, AUTHORIZING AND DIRECTING EXECUTION OF THE FIRST SUPPLEMENTAL INDENTURE, AUTHORIZING SALE OF SUCH BONDS, APPROVING OFFICIAL STATEMENT AND AUTHORIZING OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law") the City of Modesto, California (the "City") is authorized to issue revenue bonds to provide funds to finance the costs of the acquisition, construction, and equipping of improvements to the Wastewater Treatment Facilities of the City (the "Enterprise"); and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 84-862 adopted October 23, 1984, the City has previously issued its Wastewater Treatment Facility Revenue Bonds, Series 1984, in an aggregate principal amount of $11,500,000 (the "1984 Bonds") to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law and pursuant to Resolution No. 85-964 adopted December 23, 1985, the City also issued its Wastewater Treatment Facility Refunding Bonds, Series 1985 (the "1985 Bonds"), in an aggregate principal amount of $12,720,000 to provide funds to advance refund the 1984 Bonds; and

WHEREAS, in accordance with the Bond Law, Resolution No. 87-1242 adopted November 24, 1987 and pursuant to an Indenture of Trust, dated as of December 1, 1987 (the "Indenture") the City issued $11,785,000 of its Wastewater Treatment Facility Refunding Bonds, Series 1987 to provide funds to advance refund the 1985 Bonds; and

WHEREAS, the City, after due investigation and deliberation, has determined that it is in the interests of the

City at this time to issue its Wastewater Revenue Bonds, Series 1993 (the "Series 1993 Bonds"), in an aggregate principal amount not to exceed $9,000,000 under the Bond Law to provide funds for the acquisition and construction of certain improvements to the Enterprise (the "Project" as more fully described in the First Supplemental Indenture described below), to fund a reserve fund for Series 1993 Bonds and to pay certain related expenses; and

WHEREAS, the Series 1993 Bonds are proposed to be issued in accordance with Section 304 of the Indenture and pursuant to a First Supplemental Indenture dated as of September 1, 1993 (as described below); and

WHEREAS, the City has determined to sell the Series 1993 Bonds by competitive sale; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 1993 Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 1993 Bonds for the purpose, in the manner and upon the terms herein provided;

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

Section 1. Issuance of 1993 Bonds. The City Council hereby authorizes the issuance of its Wastewater Revenue Bonds, Series 1993 in an aggregate principal amount not to exceed $9,000,000. The Series 1993 Bonds shall be offered at public sale substantially as described in the Official Notice of Sale attached hereto as Exhibit A. Bids will be received for the purchase of the Series 1993 Bonds subject to the terms and conditions of such Official Notice of Sale. Public Financial Management, Inc. (the "Financial Advisor") and/or Brown & Wood, Bond Counsel, are hereby authorized and directed to open the bids at the time and place specified in the Official Notice of Sale and to present the same to the City. The Financial Advisor and/or Bond Counsel are hereby authorized and directed to receive and record the receipt of all bids made pursuant to the Official Notice of Sale, to cause the bids to be examined for compliance with the Official Notice of Sale, to cause computations to be made as to which bidder has bid the lowest true interest cost to the City, as provided in the Official Notice of Sale, along with a report as to the foregoing and any other matters deemed pertinent to the award of the Series 1993

Bonds on the basis of the lowest true interest cost to the City in accordance with said Official Notice of Sale; provided that such true interest cost shall not exceed [seven and one-half percent (7.50%)] per annum. Such winning bidder is herein called the "Purchaser."

Section 2. Official Notice of Sale. The Official Notice of Sale and the Bid Form (including the memorandum of interest cost), attached as Exhibit A and by this reference incorporated herein, are hereby approved, together with such changes in such documents as in the opinion of the City Manager or Finance Director may be considered necessary or desirable to facilitate the sale of the Series 1993 Bonds.

Section 3. Notice of Intention to Sell. The City Clerk is hereby authorized and directed to cause a notice of intention to sell the Series 1993 Bonds to be published once, at least 15 days prior to said date of sale, in The Bond Buyer, a financial publication generally circulated throughout the State of California, in accordance with Government Code § 53692. The notice shall be in substantially the form of Exhibit B hereto.

Section 4. Terms and Conditions of Sale. The terms and conditions of the offering and the sale of the Series 1993 Bonds shall be as specified in the Official Notice of Sale.

Section 5. Furnishing of Official Notice of Sale and Official Statement. The City Clerk and the Financial Advisor are hereby authorized and directed to cause to be furnished to prospective bidders a reasonable number of copies of the Official Notice of Sale (including the Bid Form) and a reasonable number of copies of the Preliminary Official Statement (as defined below).

Section 6. First Supplemental Indenture. The City Council hereby approves the form of the First Supplemental Indenture, dated as of September 1, 1993, by and between the City and Bank of America National Trust and Savings Association, as successor trustee to Security Pacific National Bank (the "Trustee") in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood, Bond Counsel, or by the City Manager or the Finance Director, whose execution thereof shall be conclusive evidence of his approval of any such additions and changes. The City Manager or the Finance Director are hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest and affix the seal of the City to, the final form of the First Supplemental Indenture for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the First Supplemental Indenture.

Section 7. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the Series 1993 Bonds (the "Preliminary Official Statement"), and the City Clerk is hereby directed to file the form of Preliminary Official Statement with the minutes of this meeting. The City Manager or the Finance Director is hereby authorized to certify that the Preliminary Official Statement, with such changes therein as the City Manager or the Finance Director shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The City Manager or the Finance Director is hereby authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the Series 1993 Bonds) as the City Manager or the Finance Director shall approve after consultation with the Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Financial Advisor and the purchaser of the Series 1993 Bonds (the "Purchaser) are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 1993 Bonds, and the Purchaser is directed to deliver copies of any final official statement to all actual purchasers of the Series 1993 Bonds.

Section 8. Official Action. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 1993 Bonds are hereby approved, confirmed and ratified. The City Manager, the Mayor, the City Clerk, the Finance Director, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including the negotiating and obtaining of a municipal bond insurance policy and/or debt service reserve surety bond if the City Manager or Finance Director, upon the advice of the Finance Advisor, determine that such policy or bond will result in debt service savings to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful purchase, sale and financing of the Project pursuant to the agreements described herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 1993, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember

Cogdill was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

AYES: Councilmembers: None

ATTEST: Norrine Coyle
Norrine Coyle,
City Clerk

(S E A L)

APPROVED AS TO FORM:

Michael D. Milich,
City Attorney

Exhibit A

OFFICIAL NOTICE OF SALE

$_____ (prelim.)
CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

NOTICE IS HEREBY GIVEN that sealed proposals will be received and opened by a representative of the City of Modesto, California (the "City"), at the offices of Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, financial advisor to the City, on

Thursday, September 9, 1993

at 10:00 o'clock a.m., local time, for the purchase of $_____ (prelim.) principal amount of revenue bonds of the City designated "City of Modesto, California, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds"). The City, however, reserves the right to postpone such sale of the Series 1993 Bonds and to announce an alternative sale date via Munifacts News Service at least 48 hours prior to such alternative sale date as described herein. The Series 1993 Bonds are authorized to be issued under the provisions of an Indenture of Trust, dated as of December 1, 1987, by and between the City and Bank of America National Trust and Savings Association (as successor trustee to Security Pacific National Bank), as supplemented by a First Supplemental Indenture, dated as of September 1, 1993 (collectively, the "Indenture"). The Series 1993 Bonds are more particularly described in the Indenture (which is incorporated herein by reference), and are generally described as follows:

ISSUE: $_____ (prelim.) consisting of fully registered Series 1993 Bonds in the denomination of $5,000 or any integral multiple thereof (not exceeding the principal amount of Series 1993 Bonds maturing at any one time), all dated as of September 1, 1993.

DEPOSITORY: The Depository Trust Company, New York, New York, ("DTC") will act as securities depository for the Series 1993 Bonds. One fully registered bond for each maturity as set forth below, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC. Proposals to purchase the Series 1993 Bonds will only be accepted from those who are participants in DTC or those who clear through or maintain a custodial relationship

with a participant in DTC, either directly or indirectly. The purchaser(s) of the Series 1993 Bonds will not receive certificated Series 1993 Bonds, but will receive a credit balance in the records of DTC in the amount of such purchaser's interest in the Series 1993 Bonds, which will be confirmed in accordance with DTC's standard procedures. The City and the Trustee shall have no responsibility or obligation to any participant or any person on behalf of whom a participant holds an interest in the Series 1993 Bonds with respect to (1) the accuracy of the records of DTC, Cede & Co., as nominee of DTC, or any participant with respect to any ownership interest in the Series 1993 Bonds, (2) the delivery to any participant or any other person, other than a bondowner, as shown in the registration books kept by the Trustee, of any notice with respect to the Series 1993 Bonds, including any notice of redemption, or (3) the payment to any participant or any other person, other than the registered owner of the Series 1993 Bonds (which will be kept by Cede & Co.), as shown in the registration books kept by the Trustee, of any amount with respect to principal or interest on the Series 1993 Bonds. A more complete description of the nature of the DTC system is contained in the preliminary official statement, described below.

INTEREST RATE: Maximum not to exceed a true interest cost of seven and one-half percent (7.50%) per annum, payable semiannually May 1 and November 1 of each year (the "Interest Payment Dates"), beginning May 1, 1994. Bidders must specify the rate or rates of interest which the Series 1993 Bonds shall bear; provided that (i) all Series 1993 Bonds maturing by their terms in any one year must bear the same rate of interest; (ii) each interest rate specified must be in a multiple of 1/20 or 1/8 of 1% and a zero rate of interest cannot be specified; (iii) no Series 1993 Bond shall bear more than one rate of interest; (iv) each Series 1993 Bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; (v) the interest rate specified for the Series 1993 Bonds of any maturity date shall not be less than the interest rate specified for the Series 1993 Bonds of any earlier maturity date; (vi) any premium must be paid in immediately available San Francisco funds as part of the purchase price and no bid will be accepted which contemplates the cancellation of any interest payment or the waiver of any interest or other concession by the bidder as a substitute for payment in full of the purchase price in immediately available San Francisco funds; and (vii) any discount specified cannot exceed 1.50% of the principal amount of the Series 1993 Bonds.

MATURITIES: Subject to the designation of Term Bonds under "SELECTION OF SERIAL BONDS OR TERM BONDS, OR BOTH," the Series 1993 Bonds will mature or have sinking account payments on November 1 in each of the years and principal amounts shown below. Each Series 1993 Bond must bear interest at the interest rate specified in the bid from its date to its stated maturity date.

Maturity November 1	Principal Amount

SELECTION OF SERIAL BONDS OR TERM BONDS, OR BOTH: Series 1993 Bonds maturing in the years _____ through _____, both inclusive, shall be Serial Bonds. Bidders shall have the option of designating whether the Series 1993 Bonds payable during the years _____ through _____, both inclusive, shall be represented by Serial Bonds or up to two Term Bond maturities, or a combination; provided, however, that bidders shall not make provision for any Serial Bonds following the commencement of sinking account payments for any Term Bond. If the bidder desires to have any of the Series 1993 Bonds payable during the years _____ to _____, both inclusive, be Term Bonds, such bidder's bid must designate the Term Bonds by inserting in the bid form the Term Bond redemption dates in the spaces provided under the heading "MANDATORY TERM BOND REDEMPTION SCHEDULE." Each Series 1993 Bond, including each Term Bond, must bear interest at the interest rate specified in the bid from its dated to its maturity date. There may be more than one Term Bond maturity, but not more than two. Each Term Bond maturity selected shall be in an amount equal to the total of the consecutive principal amounts payable as shown on the maturity schedule above. The principal amounts which are not so designated in the Mandatory Term Bond Redemption Schedule to constitute Term Bonds shall constitute serial maturities. For the purposes of this Official Notice of Sale, and as provided in the Indenture, "Serial Bonds" shall mean Series 1993 Bonds which are not subject to mandatory redemption prior to their maturity from sinking account payments, and "Term Bonds" shall mean Series 1993 Bonds which are subject to mandatory redemption prior to their stated maturity date from sinking account payments.

REDEMPTION:

Optional Redemption. The Series 1993 Bonds maturing on or before November 1, 2003 are not subject to optional redemption. The Series 1993 Bonds due on or after November 1, 2004 are subject prior to their respective maturities, at the option of the City, as a whole, or in part among such maturities as designated by the City and by lot within any such maturity, from and to the extent of available funds on and after November 1, 2003, at the following redemption prices (expressed as a percentage of the principal amount of Series 1993 Bonds called for redemption) together with accrued interest thereon to the date fixed for redemption.

Redemption Periods	Redemption Price
November 1, 2003 through October 31, 2004	101.0%
November 1, 2004 through October 31, 2005	100.5%
November 1, 2005 and thereafter	100.0%

Special Mandatory Redemption. The Series 1993 Bonds are subject to extraordinary redemption as a whole, or in part among such maturities as designated by the City and by lot within a maturity from hazard insurance or condemnation proceeds as described in the Official Statement.

PAYMENT: Interest with respect to any Series 1993 Bond shall be payable on each Interest Payment Date to the Owner thereof as of the Record Date immediately preceding each Interest Payment Date, such interest to be paid by check or draft of Bank of America National Trust and Savings Association, Los Angeles, California (the "Trustee"), mailed to the Owner by first-class mail, postage prepaid at his/her address as it appears on the Registration Books. The Series 1993 Bonds are payable as to principal and premium, if any, upon surrender thereof at maturity or earlier redemption at the principal corporate trust office of the Trustee.

MUNICIPAL BOND INSURANCE: If the Series 1993 Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor, any purchase of such insurance or commitment therefor, shall be at the sole option and expense of the bidder. The City will pay the rating fees of Standard & Poor's Corporation and Moody's Investors Service if such insurance is purchased at bidder's option. ANY FAILURE OF THE SERIES 1993 BONDS TO BE SO INSURED OR OF ANY SUCH POLICY OF INSURANCE TO BE ISSUED SHALL NOT IN ANY WAY RELIEVE THE PURCHASER OF ITS CONTRACTUAL OBLIGATIONS ARISING FROM THE ACCEPTANCE OF ITS PROPOSAL TO PURCHASE THE SERIES 1993 BONDS.

RESERVE REQUIREMENT: The City intends to fund the Series 1993 Reserve Account for the Series 1993 Bonds in an amount equal to the lesser of: (1) 10% of the net proceeds of the Series 1993 Bonds; (ii) an amount equal to Maximum Annual Debt Service on the Series 1993 Bonds; or (iii) 125% of average annual debt service due with respect to the Series 1993 Bonds. Pursuant to the Indenture, the City may substitute a surety bond or letter of credit in place of using bond proceeds to fund the Reserve Requirement.

REGISTRATION: The Series 1993 Bonds will be issued only in fully registered form, and may be exchanged for different authorized denominations of the same maturity upon the terms and subject to the conditions set forth in the Indenture. Initially, all of the Series 1993 Bonds will be registered in the name of Cede & Co., as nominee of DTC. See "DEPOSITORY" above.

PURPOSE AND SECURITY: The Series 1993 Bonds are being issued by the City to acquire and construct certain improvements to the City's existing wastewater treatment facilities. The Series 1993 Bonds are special obligations of the City and are payable, as to interest thereon, principal thereof and any premiums upon the redemption thereof, solely from Net Revenues of the Enterprise (as those terms are defined in the Indenture). Bidders are referred to the Indenture and the Official Statement described below for further particulars.

TAX-EXEMPT STATUS: A legal opinion of Brown & Wood, San Francisco, California ("Bond Counsel") will be delivered upon issuance of the Series 1993 Bonds to the effect that, subject to the qualifications described in the Official Statement described below, based on existing statutes, regulations, rulings and judicial decisions and assuming compliance with certain covenants described herein and with the requirements of the Internal Revenue Code of 1986, as amended, regarding the use, expenditure and investment of bond proceeds and the timely payment of certain investment earnings to the United States, interest on the Series 1993 Bonds is not includable in the gross income of the owners of the Series 1993 Bonds for federal tax purposes and is exempt from State of California personal income taxation. Bond Counsel is further of the opinion that interest on the Series 1993 Bonds will not be treated as an item of tax preference in calculating alternative minimum taxable income of individuals and corporations, however, such interest will be included as an adjustment in the calculation of corporate alternative minimum taxable income and may therefore affect a corporation's alternative minimum tax and environmental tax liabilities. See "LEGAL MATTERS -- Tax Exemption" in the Official Statement. In

the event that, prior to the delivery of the Series 1993 Bonds, (a) the income received by any private holder from Series 1993 Bonds of the same type and character shall be declared to be included in gross income tax law, either by the terms of such law or by ruling of a federal income tax authority or official which is followed by the Internal Revenue Service or by decision of any federal court, or (b) any federal income tax law is adopted which will have a substantial adverse tax effect upon holders of the Series 1993 Bonds as such, the successful bidder for the Series 1993 Bonds may, at its option, prior to the tender of the Series 1993 Bonds by the City, be relieved of its obligation under the contract to purchase the Series 1993 Bonds, and in such case the deposit accompanying its bid will be returned.

LEGAL OPINION: The legal opinion of Bond Counsel, approving the validity of the Series 1993 Bonds, will be furnished to the successful bidder without charge.

TERMS OF SALE

BASIS OF AWARD: The Series 1993 Bonds will be awarded to the bidder submitting the bid which represents the lowest true interest cost ("TIC") to the City. The TIC will be that interest rate which, when compounded semi-annually and used to discount all payments of principal and interest payable on the Series 1993 Bonds to the date of such Series 1993 Bonds, results in an amount equal to the principal amount of such Series 1993 Bonds plus the amount of any premium offered, if any, or less that amount of discount specified, if any (disregarding for the purposes of the calculation the accrued interest to the date of delivery of such Series 1993 Bonds). In the event that two or more bidders offer bids for the Series 1993 Bonds at the same lowest TIC, the City Manager or Finance Director, on behalf of the City, shall determine the successful bidder by lot and will award all of the Series 1993 Bonds to the successful bidder. The purchaser of the Series 1993 Bonds must pay accrued interest, computed on a 30-day month, 360-day year basis, from the date of the Series 1993 Bonds to the date of delivery. The cost of preparing the Series 1993 Bonds will be borne by the City.

FORM OF BID; MAXIMUM DISCOUNT: Each bid must be for not less than all of the Series 1993 Bonds hereby offered for sale and accrued interest to the date of delivery, plus such premium as is offered or less such discount as is specified in the bid; provided that the amount of discount specified in any bid shall not exceed 1.50% of the principal amount of the Series 1993 Bonds. Each bid, together with bidder's check

referred below, must be submitted on the form of bid provided with this Notice of Sale, enclosed in a sealed envelope addressed to the City of Modesto and delivered to its representative at the address mentioned with the envelope clearly marked "Proposal for Purchase of City of Modesto Series 1993 Bonds."

RIGHT OF REJECTION: The City reserves the right, in its sole discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

RIGHT OF CANCELLATION BY CITY: The City reserves the right at any time prior to and including September 9, 1993 to cancel the public sale of the Series 1993 Bonds. In such event, the City shall cause notice of cancellation of this invitation for bids and the public sale of the Series 1993 Bonds to be communicated through Munifacts News Service as promptly as practicable. However, no failure to publish such notice, failure of any prospective bidder to receive such notice or any defect or omission therein shall affect the cancellation of the public sale of the Series 1993 Bonds.

RIGHT TO MODIFY OR AMEND: The City reserves the right to modify or amend this Official Notice of Sale including, but not limited to the right to adjust and change the principal amount and principal amortization schedule of the Series 1993 Bonds being offered; however, such notification or amendments shall be made not later than 10:00 a.m., San Francisco time, on the second business day prior to the bid opening and communicated through Munifacts News Service.

RIGHT OF POSTPONEMENT BY CITY: The City reserves the right to postpone, from time to time, the date established for the receipt of bids. Any such postponement will be communicated through Munifacts News Service not later than 10:00 a.m., San Francisco time, on the second business day prior to any announced date for receipt of bids. If any date fixed for the receipt of bids and the sale of Series 1993 Bonds is postponed, any alternative sale date will be announced via Munifacts News Service at least 48 hours prior to such alternative sale date. On any such alternative sale date, any bidder may submit a sealed bid for the purchase of the Series 1993 Bonds in conformity in all respects with the provisions of this Official Notice of Sale except for the date of sale and except for the changes announced by Munifacts News Services at the time the sale date and time are announced.

PROMPT AWARD: The City Manager or Finance Director of the City will take action awarding the Series 1993 Bonds or rejecting all bids not later than 26 hours after the expiration

of the time herein prescribed for the receipt of proposals, unless such time of award is waived by the successful bidder. Notice of the award will be given promptly to the successful bidder.

REOFFERING PRICE: The successful bidder for the Series 1993 Bonds must deliver a certificate setting forth the initial reoffering prices of the Series 1993 Bonds to the public to Bond Counsel within 48 hours after the receipt of bids for the Series 1993 Bonds. The certificate shall set forth the maximum initial bona fide offering prices to the public (excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers) of each maturity of the Series 1993 Bonds at which a substantial amount (at least 10%) of such maturity was sold. The form of the certificate will be provided by Bond Counsel to the successful bidder for the Series 1993 Bonds.

DELIVERY AND PAYMENT: Delivery of the Series 1993 Bonds will be made to the successful bidder through DTC in New York, New York, as of the delivery date, which is presently estimated to be September 16, 1993. Payment for the Series 1993 Bonds must be made in immediately available San Francisco funds upon delivery of the Series 1993 Bonds.

RIGHT OF CANCELLATION: The successful bidder shall have the right, at its option, to cancel the contract of purchase if the City shall fail to execute the Series 1993 Bonds and tender the same for delivery within 60 days from the date of sale thereof, and in such event the successful bidder shall be entitled to the return of the deposit accompanying its bid.

BID CHECK: A cashier's check drawn on a bank or trust company transacting business in the State of California, in the amount of one percent of the principal amount of the Series 1993 Bonds, payable to the order of the City, must accompany each proposal as a guaranty that the bidder, if successful, will accept and pay for the Series 1993 Bonds in accordance with the terms of its bid. The check accompanying any accepted proposal shall be immediately cashed and applied to the purchase price. The amount thereof shall be retained by the City if after the award of the Series 1993 Bonds the successful bidder fails to complete its purchase on the terms stated in its proposal; provided, that the amount, if any, realized by the City from cashing such check shall not be considered liquidated damages for any breach by the successful bidder of said bidder's agreement to purchase the Series 1993 Bonds nor shall such amount, if any, be deemed a settlement of any claim the City may have against such breaching bidder. The check

accompanying each unaccepted proposal will be returned promptly. No interest will be paid upon the deposit made by any bidder.

In the alternative, a financial surety bond may be used as a guarantee that the bidder, if successful, will accept and pay for the Series 1993 Bonds in accordance with the terms of this proposal. If a financial surety bond is used, it must be from an insurance company licensed to issue such a bond in the State of California, and such financial surety bond must be submitted to the City or its Financial Advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose deposit is guaranteed by such financial surety bond. If the Series 1993 Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City not later than 3:30 p.m. California time on the next business day following the award). If such deposit is not received by that time, the financial surety bond may be drawn by the City to satisfy the deposit requirement.

ESTIMATE OF TRUE INTEREST COST: Each bidder is requested, but not required, to state in its bid its calculation of the TIC which shall be considered as informative only and not binding on either the bidder or the City.

Each bidder is also requested, but not required, to provide in its bid a computation of the total amount of interest payable over the term of Series 1993 Bonds. Such information will be considered as informative only and not binding on either the bidder or the City.

NO LITIGATION: There is no litigation pending, or to the best knowledge of the City, threatened, concerning the validity of the Series 1993 Bonds, the existence of the City or the title of the officers thereof to their respective offices, and the City will furnish to the successful bidder of the officers thereof to their respective offices, and the City will furnish to the successful bidder a no-litigation certificate certifying to the foregoing as of and at the time of delivery of the Series 1993 Bonds.

CUSIP NUMBERS: It is anticipated the CUSIP identification numbers will be inserted on the Series 1993 Bonds, but neither the failure to insert such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Series 1993 Bonds in accordance with the terms of the purchase contract. All expenses in

relation to the printing of CUSIP numbers on the Series 1993 Bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

CALIFORNIA DEBT ADVISORY COMMISSION FEE: All bidders are advised that, pursuant to Section 8856 of the California Government Code, it will be the responsibility of the successful bidder for the Series 1993 Bonds to pay the statutory fee for the Series 1993 Bonds purchased by the bidder to the California Debt Advisory Commission.

OFFICIAL STATEMENT: The City has caused a preliminary official statement to be prepared, copies of which may be obtained at the office of the City's financial advisor, Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, Attention: Peter Miller (telephone (415) 982-5544). The preliminary official statement is "deemed final" by the City for purposes of SEC Rule 15c2-12, except for the omission of certain pricing, interest rate, bond insurance and related information, and the City has authorized the use of the final Official Statement in connection with the sale of the Series 1993 Bonds. The City at its expense will provide up to 250 copies of the Official Statement in final form to the successful bidder prior to the delivery of the Series 1993 Bonds.

CERTIFICATE: The City will provide to the purchaser of the Series 1993 Bonds a certificate, signed by an official of the City, confirming to the purchaser that, at the time of delivery thereof, to the best knowledge of said official, the Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading, and that there has been no material adverse change in the material condition or affairs of the City between the date of the Official Statement and the date of delivery of the Series 1993 Bonds

Dated: September 9, 1993

/s/_____
Finance Director

BID FORM

Proposal for the Purchase of

$_____(prelim.)
CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

Date: _____, 1993

City of Modesto
c/o Public Financial Management, Inc.
Embarcadero Center, W. Tower
275 Battery Street, Suite 2140
San Francisco, CA 94111

Subject to the provisions and pursuant to the Official Notice of Sale hereinafter mentioned, we offer to purchase the Series 1993 Bonds designated as "City of Modesto, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds") in the total principal amount pursuant to the Maturity Schedule and bearing interest at the rates set forth below and to pay therefor the aggregate sum of $_____ (being the principal amount less a discount (not to exceed ___%) of $_____) plus interest accrued on such Series 1993 Bonds to the date of delivery thereof. The rate or rates bid must not exceed __%. The rates must be level or ascending.

MATURITY SCHEDULE

Maturity Date (November 1)	Principal Amount	Serial Maturity**	Mandatory Sinking Fund Redemption	Interest Rate (%)

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* The bidder may stipulate that these maturities can be either Serial Bonds or Term Bonds. See "MANDATORY REDEMPTION SCHEDULE" on text page. The rates of interest for all mandatory sinking account payments (including payment at maturity) of a designated Term Bond must be identical.

** There shall be no serial maturities after the first mandatory sinking fund redemption payment.

MANDATORY TERM BOND REDEMPTION SCHEDULE

The following schedules are for the purpose of designating up to two mandatory Term Bonds redemption dates in the bid for the Series 1993 Bonds. The mandatory Term Bond redemptions to be made on such dates are indicated on the Maturity Schedule on the previous page as principal amounts:

From November 1, 20__ to and including November 1, 20__ (final maturity).

From November 1, 20__ to and including November 1, 20__ (final maturity).

This bid is made subject to all terms and conditions of the Official Notice of Sale heretofore distributed, all of which terms and conditions are made a part hereof as fully as though set forth in full in this bid.

As specified in the Official Notice of Sale, this bid is subject to acceptance not later than twenty-six (26) hours after the expiration of the time for receipt of bids, and the delivery, at the time of delivery of the Series 1993 Bonds and at the expense of the City, of the opinion of Brown & Wood, San Francisco, California, approving the validity of the Series 1993 Bonds.

There is enclosed herewith a certified or cashier's check in the amount of _____ _____ Dollars ($_____) payable to the order of the City of Modesto. The winning bidder's check shall be immediately cashed and applied to the delivery price.

The undersigned calculates in accordance with the Official Notice of Sale, that the true interest cost to the City is ___% and that the amount of interest payable on the Series 1993 Bonds over the term of the Series 1993 Bonds is $_____.

This estimate is for information purposes only and is not binding on the City or the undersigned.

Respectfully submitted,

Name:_____
Account Manager

Winning bidder's representative to be contacted regarding closing procedures:
Name:
Address:
City:
State:
Zip Code:
Phone Number:

If municipal bond insurance being purchased by bidder, please identify insurer:

Return of Good Faith Check to Unsuccessful Bidder: _____

Exhibit B

NOTICE OF INTENTION TO SELL

CITY OF MODESTO
Wastewater Revenue Bonds, Series 1993

NOTICE IS HEREBY GIVEN that the City of Modesto (the "City"), in Modesto County, State of California, intends to offer for public sale on Thursday, September 9, at the hour of 10 o'clock a.m., local time, at the offices of Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, $_____ (prelim.) principal amount of revenue bonds of the City designated "City of Modesto, California, Wastewater Revenue Bonds, Series 1993" (the "Series 1993 Bonds"). The City reserves the right to postpone the date of sale of the Series 1993 Bonds. If the sale of the Series 1993 Bonds is not conducted on Thursday, September 9, 1993, the City will announce an alternative sale date via Munifacts News Service at least 48 hours prior to such alternative sale date.

The Series 1993 Bonds will be offered for public sale subject to the terms and conditions of the Official Notice of Sale of the Series 1993 Bonds and copies of the Official Notice of Sale and the Official Statement relating to the Series 1993 Bonds will be furnished upon request mailed to Public Financial Management, Inc., Embarcadero Center, W. Tower, 275 Battery Street, Suite 2140, San Francisco, California 94111, Attention: Peter Miller (415) 982-5544, financial advisor to the City for the Series 1993 Bonds.

Dated: August __, 1993

KEVIN RIPER
FINANCE DIRECTOR
CITY OF MODESTO

MODESTO CITY COUNCIL
RESOLUTION NO. 93-468

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND PUBLIC FINANCIAL MANAGEMENT, INC., FOR FINANCIAL ADVISORY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Public Financial Management, Inc., for financial advisory services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-469

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CELLULAR PARTNERSHIP FOR LEASE OF 1,820 SQUARE FEET OF DAVIS PARK TO LOCATE A CELLULAR TELEPHONE ANTENNA IN DAVIS PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Cellular Partnership for the lease of 1,820 square feet of Davis Park to locate a cellular telephone antenna in Davis Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-470

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DENNIS JACKMAN FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE AUGUST 10, 1993

WHEREAS, Dennis Jackman was appointed a member of the Recycling Committee on November 3, 1992; and

WHEREAS, Dennis Jackman has tendered his resignation from the Recycling Committee, effective August 10, 1993; and

WHEREAS, Dennis Jackman has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Dennis Jackman from the Recycling Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Dennis Jackman for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-471

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (MARGIE LEE)

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Margie Lee
1412 Shoshone Place
Modesto, Ca. 95351
Term expires: 6/30/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-472

A RESOLUTION GRANTING A REQUEST FOR FINANCIAL ASSISTANCE TO A MODESTO BABE RUTH BASEBALL TEAM IN THE SUM OF $2,000 TO SUPPORT ITS ATTENDANCE AT THE 1993 BABE RUTH WORLD SERIES IN NEWARK, NEW JERSEY.

WHEREAS, the City of Modesto has supported Modesto Babe Ruth Baseball in the past, and

WHEREAS, on Thursday, August 12, 1993, a Modesto Babe Ruth Baseball team comprised of 15-year olds became the Pacific Southwest Regional Champions, and

WHEREAS, said team will represent the region in the Babe Ruth World Series in Newark, New Jersey on Thursday, August 19, 1993, and

WHEREAS, the Modesto Babe Ruth Baseball organization has requested financial assistance from the City of Modesto to help defray the costs of travel to New Jersey, and

WHEREAS, the City Council, by Resolution No. 80-1065 as amended by Resolution No. 81-716, adopted a "Policy For Evaluating Requests For City Financial Assistance", and

WHEREAS, the Council has reviewed said request and finds said request to be in conformance with said policy and in addition finds it appropriate to grant approval for financial assistance to Modesto Babe Ruth Baseball to help defray the costs of travel to New Jersey for participation in the Babe Ruth World Series, and

WHEREAS, the Financial Policy Committee has considered said request and has recommended approval of same, and

WHEREAS, CITY staff supports the request for financial assistance for Modesto Babe Ruth Baseball to attend this prestigious event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request of Modesto Babe Ruth Baseball for financial assistance in the amount of $2,000, as recommended by the Financial Policy Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

08/18/93--CA

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-473

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(496). (MODESTO SENIOR HOUSING INVESTORS)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by Modesto Senior Housing Investors on May 10, 1993, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D, to allow a 38-unit, elderly housing complex, property located on the north side of Maze Boulevard west of Modesto Irrigation District Lateral No. 5, described as follows:

R-1 to P-D(496)

Lot 24 of the MAZE RANCH SUBDIVISION, as per Map thereof recorded March 19, 1909, in Book 4, of Maps, Page 18, Stanislaus County Records, more particularly described as follows:

Commencing at the corner common to Sections 29, 30, 31, and 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 89° 45 30" West 1536.70 feet and along the section line to center of Lateral No. 5 of the Modesto Irrigation District, thence along the center of Lateral No. 5, North 24° 04 30" East 224.16 feet; thence North 7° 18 30" East 67.07 feet to the True Point of Beginning; thence continuing North 7° 18 30" East 238.73 feet to a point in Lateral No. 4 of the Modesto Irrigation District; thence along the center of said Lateral No. 4, North 72° 39 30" West 503.80 feet; thence leaving said Lateral South 0° 14 30" West 656.66 feet; thence South 89° 45 30" East 40.00 feet; thence North 0° 14 30" East 286.35 feet; thence South 89° 45 30" East 179.59 feet; thence South 0° 14 30" West 14.74 feet; thence South 89° 45 30" East 232.56 feet to the True Point of Beginning.

and

WHEREAS, after a public hearing held on July 12, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-27, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will contribute to the variety of housing types in this neighborhood by provide housing units for the elderly in a residential neighborhood setting.

2. The approved plot plan, along with required fencing, and conditions of approval will assure that this low density elderly housing complex will continue to be compatible with the adjacent church facility and other surrounding neighborhood residential uses.

and

WHEREAS, after a public hearing held on August 17, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Modesto Senior Housing Investors for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-27 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2865-C.S. on the 17th day of August, 1993, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(496).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(496), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Christian Seniors Dwelling Units" as amended in red, stamped approved by the City Council on August 17, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan including passive open space areas for social or group bench seating shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. A six-foot-high wood fence with decorative masonry pilasters at 16-foot on centers along the west property line adjacent to the elderly housing complex only.

   b. Six-foot-high decorative masonry wall along the north and east property lines adjacent to MID Lateral Nos. 4 and 5.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

10. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.

11. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation and joint use of parking spaces for the benefit of the property to the south, substantially as shown in red on the plot plan.

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

13. All signs shall comply with the sign requirements of the R-3 Zone.

14. Prior to the issuance of a building permit for any structure, a final parcel map shall be recorded.

15. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(496):

The entire construction program be accomplished in one phase, construction to begin on or before July 12, 1995, and completion to be not later than July 12, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(496), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	Cogdill, Muratore
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Planning and Community Development

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-474

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(496). (MODESTO SENIOR HOUSING INVESTORS)

WHEREAS, on May 26, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(496), property located on the north side of Maze Boulevard west of Modesto Irrigation District Lateral No. 5 might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	Cogdill, Muratore
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-475

Print

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE COST OF PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION

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

WHEREAS, the Council did, on July 21, 1992, adopt its Resolution No. 92-410, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; and

WHEREAS, in compliance with the provisions of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of paving abutting the property hereafter described; and

WHEREAS, August 17, 1993, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; which report is as set forth in "EXHIBIT A", which is attached hereto and made a part hereof by this reference. Moreover, said Council received the report as submitted, and is on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets is hereby confirmed and the cost of such work is set forth in said "EXHIBIT A".

SECTION 2. That the cost of the aforesaid work may be paid in a lump sum or may be assessed in three annual installments as a special assessment against the parcel(s) of property fronting upon the work so constructed.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said assessment be delivered to the Stanislaus County Auditor, and the amount shall be collected together with all other taxes thereon against the property. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall

JUDY C. HALL, Acting City Clerk

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 37] LOCATION: 6TH STREET TO 7TH STREET, BETWEEN L STREET AND M STREET		
1. 1231 7th Street A.P.N. 002-173 104-1301-491 50.0 l.f. / $642.20	Boyle, Edward J, et al PO Box 5067 Modesto CA 95352	Lots 1 and 2 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
2. 1227 7th Street A.P.N. 002-173 104-1302-610 37.5 l.f. / $481.65	Sullivan, Phillip, M, et ux 1304 Bywood Lane Modesto CA 95356	Lot 3 and the Northwest 12.5 feet of Lot 4 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
3. 1223 7th Street A.P.N. 002-173 104-1303-400 37.5 l.f. / $481.65	Newnam, Samuel H, et ux 2913 Hashem Drive Modesto CA 95355^E	Lot 5 and the Southeast 12.5 feet of Lot 4 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
4. 1219 7th Street A.P.N. 002-173 104-1304-520 50.0 l.f. / $642.20	Huffman, Gordon, et ux 1219 7th St Modesto CA 95354	Lots 6 and 7 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
5. 1215 7th Street A.P.N. 002-173 104-1305-520 50.0 l.f. / $642.20	Ragsdale, Timothy C, et ux 3436 Dragoo Park Dr Modesto CA 95350	Lots 8 and 9 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
6. 1211 7th Street A.P.N. 002-173 104-1306-491 50.0 l.f. / $642.20	George, Josephine, et al 1211 7th St Modesto CA 95354	Lots 10 and 11 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
7. 1207 7th Street A.P.N. 002-173 104-1307-101 50.0 l.f. / $642.20	Woodard, Louise, Heirs of 212 S Madison St Modesto CA 95351	Lots 12 and 13 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
8. 1200 6th Street A.P.N. 002-173 104-1310-470 150.0 l.f. / $1,926.60	Kanno, Zakarias, et ux 1516 Prairie Dog Dr Modesto CA 95355	Lots 17-22 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
9. 1212 6th Street A.P.N. 002-173 104-1311-310 25.0 l.f. / $321.10	Taylor, Douglas J, et ux 1235 W Roseburg Ave Modesto CA 95350	Lot 23 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
1[illegible] 1216 6th Street A.P.N. 002-173 104-1312-491 50.0 l.f. / $642.20	Cowings, Gertrude M, Heirs of 111 Laurel St Modesto CA 95354	Lots 24 and 25 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 37] LOCATION: 6TH STREET TO 7TH STREET, BETWEEN L STREET AND M STREET		
11. 1220 6th Street A.P.N. 002-173 104-1313-181 50.0 l.f. / $642.20	Edwards, Gertrude 1522 Victor Way Modesto CA 95351	Lots 26 and 27 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
12. 1224 6th Street A.P.N. 002-173 104-1314-310 50.0 l.f. / $642.20	Newnam, Samuel H, et ux 2913 Hashem Driv Modesto CA 95355	Lots 28 and 29 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
13. 1230 6th Street A.P.N. 002-173 104-1315-930 75.0 l.f. / $963.30	American National Red Cross 715 13th Street Modesto CA 95354	Lots 30, 31 and 32 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records
14. 621 L Street A.P.N. 002-173 104-1316-610 75.0 l.f. / $963.30	Noble, Charles W, et ux 1500 Scenic Dr, #11 Modesto CA 95355	Lots 14, 15 and 16 of Block 37 of City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Page 37, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 2130] LOCATION: SEVERIN AVENUE TO ROSINA AVENUE, BETWEEN ROBLE AVENUE AND ENCINA AVENUE		
1. **400 Severin Avenue** A.P.N. 002-001 116-0118-101 63.14 L.F. / $686.14	Reyna, Valerie 400 Severin Ave Modesto CA 95354	Lot 10 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
2. **404 Severin Avenue** A.P.N. 002-001 116-0119-121 60.0 l.f. / $652.02	Hursh, William O, et ux 404 Severin Ave Modesto CA 95354	Lot 11 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
3. **408 Severin Avenue** A.P.N. 002-001 116-0120-101 60.0 l.f. / $652.02	Hubbard, Robert C Trs 516 W. Orangeburg Ave Modesto CA 95350	Lot 12 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
4. **412 Severin Avenue** A.P.N. 002-001 116-0121-101 60.0 l.f. / $652.02	Housewright, Harriet M 412 Severin Ave Modesto CA 95351	Lot 13 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
5. **416 Severin Avenue** A.P.N. 002-001 116-0122-101 60.0 l.f. / $652.02	Muncill, Kathleen E 3100 Kensington Dr Modesto CA 95350	Lot 14 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
6. **422 Severin Avenue** A.P.N. 002-001 116-0123-101 60.0 l.f. / $652.02	Lawrence, Theresa J 422 Severin Ave Modesto CA 95351	Lot 15 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
7. **424 Severin Avenue** A.P.N. 002-001 116-0124-101 60.0 l.f. / $652.02	McDowell, Thomas D, et al 424 Severin Ave Modesto CA 95354	Lot 16 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
8. **428 Severin Avenue** A.P.N. 002-001 116-0125-101 60.0 l.f. / $652.02	Webber, Mary H, et al 428 Severin Ave Modesto CA 95351	Lot 17 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
9. **432 Severin Avenue** A.P.N. 002-001 116-0126-101 60.0 l.f. / $652.02	Ahart, Herbert B, et ux 432 Severin Ave Modesto CA 95351	Lot 18 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
10. **1630 Encina Avenue** A.P.N. 002-001 116-0127-101 80.0 l.f. / $869.36	Stevenot, Jeffery, W, et ux 1630 Encina Ave Modesto CA 95354	Lot 1 and the north 20 feet of Lot 2 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 2130] LOCATION: SEVERIN AVENUE TO ROSINA AVENUE, BETWEEN ROBLE AVENUE AND ENCINA AVENUE		
11. **425 Rosina Avenue** A.P.N. 002-001 116-0128-101 68.0 l.f. / $738.96	Torrealba, Geraldine O 425 Rosina Ave Modesto CA 95354	The south 40 feet of Lot 2 and the north 28 feet of Lot 3 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
12. **421 Rosina Avenue** A.P.N. 002-001 116-0129-111 68.0 l.f. / $738.96	Sanchez, Edward M, et ux 1409 Pecos Ave Modesto CA 95351	The south 32 feet of Lot 3 and the north 36 feet of Lot 4 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49,
13. **417 Rosina Avenue** A.P.N. 002-001 116-0130-101 68.0 l.f. / $738.96	Kern, Glenn 417 Rosina Ave Modesto CA 95354	The south 24 feet of Lot 4 and the north 44 feet of Lot 5 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
14. **413 Rosina Avenue** A.P.N. 002-001 116-0131-111 68.0 l.f. / $738.96	Ramirez, John M, et ux 413 Rosina Ave Modesto CA 95354	The south 16 feet of Lot 5 and the north 52 feet of Lot 6 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
15. **409 Rosina Avenue** A.P.N. 002-001 116-0132-101 68.0 l.f. / $738.96	Johnson, Ernest, U, et ux 409 Rosina Ave Modesto CA 95354	Lot 7 and the south 8.0 feet of Lot 6 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
16. **405 Rosina Avenue** A.P.N. 002-001 116-0133-101 60.0 l.f. / $652.02	Shaeffer, D. Leon, et ux 1020 Stanton Pl Modesto CA 95355	Lot 8 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records
17. **1631 Roble Avenue** A.P.N. 002-001 116-0134-101 63.14 l.f. / $686.14	Grove, Arnold R, et ux 1631 Roble Ave Modesto CA 95351	Lot 9 of Block 2130 of Covena Park Tract No. 2 as per map filed April 16, 1946 in Volume 14 of Maps, Page 49, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 6828] LOCATION: FREMONT AVENUE TO DORRINGTON COURT, BETWEEN NORTHGATE DRIVE AND FLEETWOOD DRIVE		
11. 705 Northgate Drive A.P.N. 002-007 059-0762-101 116.97 l.f. / $1,220.11	Locke, Stephen S, et ux 705 Northgate Dr Modesto CA 95350	Lot 1 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
12. 2402 Fremont Avenue A.P.N. 002-007 059-0763-111 13.61 l.f. / $141.97	Jewell, John S, et ux 2402 Fremont Ave Modesto CA 95350	Lot 15 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
13. 2406 Fremont Avenue A.P.N. 002-007 059-0764-101 77.20 l.f. / $805.27	Farrell, Kenneth L, et ux Trs 2406 Fremont Ave Modesto CA 95350	Lot 14 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
14. 2410 Fremont Avenue A.P.N. 002-007 059-0765-101 94.44 l.f. / $985.10	Gurley, Frank H, et ux 2410 Fremont Ave Modesto CA 95350	Lot 13 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
15. 2502 Fremont Avenue A.P.N. 002-007 059-0766-101 90.53 l.f. / $944.32	Dunscomb, Guy L, et ux Trs 2502 Fremont Ave Modesto CA 95350	Lot 12 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
16. 2506 Fremont Avenue A.P.N. 002-007 059-0767-101 95.82 l.f. / $999.50	Gray, Dale G, et ux Trs 2506 Fremont Ave Modesto CA 95350	Lot 11 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records
17. 2510 Fremont Avenue A.P.N. 002-007 059-0768-111 81.20 l.f. / $847.00	Rogers, James S, et ux 2510 Fremont Ave Modesto CA 95350	Lot 10 of Block 6828 of Northgate Subdivision No. 3 as per map filed September 12, 1960 in Volume 19 of Maps, Page 48, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 6736] LOCATION: MT VERNON DRIVE TO DURANT STREET, BETWEEN COLLEGE AVENUE AND KATHERINE AVENUE		
1. **2410 College Avenue** A.P.N. 002-007 059-0824-101 78.4 l.f. / $848.05	Lewis, Donald W, et ux 2410 College Ave Modesto CA 95350	Lot 30 and the west 2.34 feet of Lot 29 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
2. **1029 Mt Vernon Drive** A.P.N. 002-007 059-0825-101 78.41 l.f. / $848.16	Wait, Donald Dwight, et ux 1029 Mt Vernon Dr Modesto CA 95350	The west 12.74 feet of Lot 28 and the east 65.67 feet of Lot 29 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
3. **1025 Mt Vernon Drive** A.P.N. 002-007 059-0826-101 78.41 l.f. / $848.16	Harwood, Robert R, et ux 1025 Mt Vernon Dr Modesto CA 95350	The west 23.02 feet of Lot 27 and the east 55.39 feet of Lot 28 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
4. **1021 Mt Vernon Drive** A.P.N. 002-007 059-0827-101 78.41 l.f. / $848.16	Haskin, Cheryl 1021 Mt Vernon Dr Modesto CA 95350	The west 33.3 feet of Lot 26 and the east 45.11 feet of Lot 27 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
5. **1015 Mt Vernon Drive** A.P.N. 002-007 059-0828-101 78.41 l.f. / $848.16	Ackerman, Barry P, et ux 1015 Mt Vernon Dr Modesto CA 95350	The west 43.58 feet of Lot 25 and the east 34.83 feet of Lot 26 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
6. **1009 Mt Vernon Drive** A.P.N. 002-007 059-0829-101 78.41 l.f. / $848.16	Howk, Ralph B, et ux 1009 Mt Vernon Dr Modesto CA 95350	The west 53.9 feet of Lot 24 and the east 24.51 feet of Lot 25 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
7. **1005 Mt Vernon Drive** A.P.N. 002-007 059-0830-101 78.41 l.f. / $848.16	Wilson, Clifford L, et ux 1005 Mt Vernon Dr Modesto CA 95350	The west 62.05 feet of Lot 23 and the east 16.36 feet of Lot 24 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
8. **1001 Mt Vernon Drive** A.P.N. 002-007 059-0831-101 78.41 l.f. / $848.16	Hamilton, Eva 1001 Mt Vernon Dr Modesto CA 95350	Lot 22 and the east 8.14 feet of Lot 23 of Block 673 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
9. **925 Mt Vernon Drive** A.P.N. 002-007 059-0832-101 82.63 l.f. / $893.81	Christie, John W, et ux 925 Mt Vernon Dr Modesto CA 95350	Lot 21 and the west 12.82 feet of Lot 20 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 6736] LOCATION: MT VERNON DRIVE TO DURANT STREET, BETWEEN COLLEGE AVENUE AND KATHERINE AVENUE		
10. **921 Mt Vernon Drive** A.P.N. 002-007 059-0833-111 82.61 l.f. / $893.59	Westphal, Dwayne R, et ux 921 Mt Vernon Dr Modesto CA 95350	The west 27.3 feet of Lot 19 and the east 55.31 feet of Lot 20 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
11. **915 Mt Vernon Drive** A.P.N. 002-007 059-0834-101 82.63 l.f. / $893.81	Lemmon, James R, et ux 915 Mt Vernon Dr Modesto CA 95350	The west 41.82 feet of Lot 18 and the east 40.81 feet of Lot 19 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
12. **909 Mt Vernon Drive** A.P.N. 002-007 059-0835-101 82.62 l.f. / $893.70	Bernasconi, Mary J 909 Mt Vernon Dr Modesto CA 95350	The west 56.32 feet of Lot 17 and the east 26.3 feet of Lot 18 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
2405 Katherine Avenue A.P.N. 002-007 059-0836-111 82.64 l.f. / $893.92	Streeter, Carol A 2405 Katherine Ave Modesto CA 95350	Lot 16 and the east 11.81 feet of Lot 17 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
14. **2501 Katherine Avenue** A.P.N. 002-007 059-0837-101 83.9 l.f. / $907.55	Crosgrove, Kevin R 2501 Katherine Ave Modesto CA 95350	Lot 15 and the east 8.8 feet of Lot 14 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
15. **906 Durant Street** A.P.N. 002-007 059-0838-101 83.9 l.f. / $907.55	Drobnick, Roger P, et ux 906 Durant St Modesto CA 95350	The east 24.57 feet of Lot 13 and the west 59.33 feet of Lot 14 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
16. **912 Durant Street** A.P.N. 002-007 059-0839-101 83.9 l.f. / $907.55	Boyle, William F, et ux 912 Durant St Modesto CA 95350	The east 38.34 feet of Lot 12 and the west 45.56 feet of Lot 13 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
17. **918 Durant Street** A.P.N. 002-007 059-0840-111 83.9 l.f. / $907.55	Cody, Richard M, et ux 918 Durant St Modesto CA 95350	The east 52.11 feet of Lot 11 and the west 31.79 feet of Lot 12 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
18. **922 Durant Street** A.P.N. 002-007 059-0841-111 83.92 l.f. / $907.76	Vallo, Max J, et ux 922 Durant St Modesto CA 95350	Lot 10 and the west 16.02 feet of Lot 11 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records

"EXHIBIT A"

RESIDENTIAL ALLEY PAVING PROJECT NO. 17

SITE ADDRESS / ASSESSOR'S PARCEL NO. L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
[BLOCK 6736] LOCATION: MT VERNON DRIVE TO DURANT STREET, BETWEEN COLLEGE AVENUE AND KATHERINE AVENUE		
19. 1002 Durant Street A.P.N. 002-007 059-0842-101 77.61 l.f. / $839.51	Ogburn, Lee R, et ux 1002 Durant St Modesto CA 95350	Lot 9 and the east 9.42 feet of Lot 8 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
20. 1006 Durant Street A.P.N. 002-007 059-0843-111 77.61 l.f. / $839.51	Johnson, Melvyn B 1006 Durant St Modesto CA 95350	The east 18.9 feet of Lot 7 and the west 58.71 feet of Lot 8 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
21. 1010 Durant Street A.P.N. 002-007 059-0844-101 77.61 l.f. / $839.51	Davis, Richard D 1010 Durant St Modesto CA 95350	The east 28.3 feet of Lot 6 and the west 49.31 feet of Lot 7 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
22. 1018 Durant Street A.P.N. 002-007 059-0845-101 77.51 l.f. / $838.43	Aiken, Verla M, et al Trs 1018 Durant St Modesto CA 95350	The east 37.62 feet of Lot 5 and the west 39.89 feet of Lot 6 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
23. 1022 Durant Street A.P.N. 002-007 059-0846-111 77.61 l.f. / $839.51	Nelson, Jan E, et al 2509 Kirkwood Modesto CA 95355	The east 45.2 feet of Lot 4 and the west 32.41 feet of Lot 5 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
24. 1026 Durant Street A.P.N. 002-007 059-0847-111 77.61 l.f. / $839.51	Clark, Dewain, D, et ux 1026 Durant St Modesto CA 95350	Lot east 52.68 feet of Lot 3 and the west 24.93 feet of Lot 4 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
25. 1030 Durant Street A.P.N. 002-007 059-0848-111 77.61 l.f. / $839.51	Nanez, Estella O 1030 Durant St Modesto CA 95350	The east 62.16 feet of Lot 2 and the west 15.45 feet of Lot 3 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records
26. 2502 College Avenue A.P.N. 002-007 059-0849-101 77.65 l.f. / $839.94	Rossman, Carolyn 2502 College Ave Modesto CA 95350	Lot 1 and the west 5.84 feet of Lot 2 of Block 6736 of Ashford Tract No. 2 as per map filed January 20, 1956 in Volume 18 of Maps, Page 44, Stanislaus County Records

MODESTO CITY COUNCIL
RESOLUTION NO. 93-476

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT

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

SECTION 1. The specifications for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 16, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-477

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

WHEREAS, Resolution No. 93-379, adopted by the Council of the City of Modesto on July 6, 19 93, approved the plans and specifications for the rockwell replacement/addition 1993-94 project

and authorized the calling for bids; and

WHEREAS, the bids received for the rockwell replacement/addition 1993-94 project

were opened at 11:00 a.m. on August 5, 19 93, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of $257,285

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $257,285 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-478

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $41,732 TO FUND THE ROCKWELL REPLACEMENT/ADDITION 1993-94 PROJECT

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

FROM:	Annual Positive Storm Drain Repairs (628 480 D322 6040)	$41,732
TO:	Rockwell Replacement/Addition (628 480 D329 6040)	$41,732

The project scope was increased to provide improved drainage to critical areas that were not included in the original project scope. The increased costs will be funded by this transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th **day of** August , **1993 , by Councilmember** Friedman , **who moved its adoption, which motion being duly seconded by Councilmember** Dobbs , **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-479

Print

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION, INC. FOR THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

WHEREAS, Resolution No. 93-378, adopted by the Council of the City of Modesto on July 6, 19 93, approved the plans and specifications for the Senior Citizens Center wall modifications project

and authorized the calling for bids; and

WHEREAS, the bids received for the Senior Citizens Center wall modifications project were opened at 11:00 a.m. on July 29 19 93, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Howell Construction, Inc. in the amount of $27,850 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howell Construction, Inc. in the amount of $27,850 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

/ C

MODESTO CITY COUNCIL
RESOLUTION NO. 93-480

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,500 TO FUND THE SENIOR CITIZENS CENTER WALL MODIFICATIONS PROJECT

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

FROM:	Misc. Improvement Projects (140 310 0255 6050)	$2,500
TO:	Masonry wall at Senior Citizen's Center (140 310 C571 6060)	$2,500

This transfer will help fund the Senior Citizens Center wall modifications project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th **day of** August **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: JUDY G. HALL, Acting City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 93-481

Print

A RESOLUTION ACCEPTING THE BID OF BAY VALVE SERVICE AND ENGINEERING FOR FURNISHING AND INSTALLING FOUR AUTOMATIC VALVE ACTUATORS AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN ADDITIONAL SEVEN VALVE ACTUATORS

WHEREAS, Resolution No. 93-190 **, adopted by the Council of the City of Modesto on** April 6 **, 19** 93 **, approved the plans and specifications for** furnishing and installing four automatic valve actuators

and authorized the calling for bids; and

WHEREAS, the bids received for the automatic valve actuators

were opened at 11:00 a.m. **on** May 3 **19** 93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Bay Valve Service and Engineering for a total price of $38,574.36 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bay Valve Service and Engineering for a total price of $38,574.36 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th **day of** August **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-482

Print

A RESOLUTION ACCEPTING THE BID OF BADGER METER, INC., FRANK OLSEN COMPANY, GROENIGER AND COMPANY, AND KENT METERS, INC. FOR FURNISHING VARIOUS SIZE WATER METERS

WHEREAS, Resolution No. 93-239, adopted by the Council of the City of Modesto on April 27, 1993, approved the plans and specifications for furnishing water meters

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing water meters

were opened at 11:25 a.m. on May 17 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Badger Meter, Inc., Frank Olsen Co., Groeniger and Co., and Kent Meters, Inc. for a total cost of $564,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Badger Meter, Inc., Frank Olsen Co., Groeniger & Co., and Kent Meters, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-483

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY-COUNTY TRANSIT SERVICES COST SHARING AGREEMENT TO PROVIDE FOR THE COUNTY FUNDING THIS SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Stanislaus County regarding cost sharing for public transit services, and to provide for the County funding this service be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-485

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $14,897 FROM CONTINGENCY RESERVE TO FUND THE PURCHASE OF THE GARST ROAD SCHOOL AND PARK SITE

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

FROM:	Capital Facilities Fee Contingency Reserve (135 800 8000 8003)	$14,897
TO:	Empire West Neighborhood Park (135 310 P350)	$14,897

At the time this project was established, exact cost of street frontage was unknown. This transfer will allow the City to pay off this project in a lump sum thereby avoiding paying interest at a rate higher than the City earns.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th **day of** August **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-486

Print

A RESOLUTION ORDERING THE WHITMORE-GUTHERIE REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED), AND SUPERSEDING RESOLUTION NO. 91-513.

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution No. 91-14 dated May 29, 1991, approved the proposed Whitmore-Gutherie Reorganization to the City of Modesto upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Whitmore-Gutherie Reorganization, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution found that: (a) the subject territory is within the primary area of the Modesto Sphere of Influence; (b) the approval of the proposal with the inclusion of the entire Whitmore Avenue Road right-off-way between Ustick and Crows Landing Roads is consistent with all applicable local general plans; (c) the territory involved in the proposal is uninhabited; (d) all property owners within the subject territory have signed the petition for reorganization; and (e) the reorganization of this territory into the city will promote the planned, orderly, and efficient development of the area, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution ordered that said Reorganization consist of (a) the annexation of said territory to the City of Modesto; (b) the detachment of said territory from the

Industrial Fire Protection District; (c) the annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission on May 29, 1991, certified that it considered the environmental document prepared by the City of Modesto as to the subject Reorganization, and found that responsibility for the monitoring and reporting to ensure CEQA compliance shall be with the City of Modesto, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said resolution designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, the reason for this annexation is to allow urban development, as fifteen (15) acres have tentative map approval by the City of Modesto for sixty-eight (68) single-family lots, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the Local Agency Formation Commission has authorized the City Council to proceed without notice and hearing pursuant to Section 56837 of the California Government Code, and

WHEREAS, the City Council adopted Resolution No. 91-513 to approve the annexation with a condition regarding maintenance of Whitmore Avenue, and

WHEREAS, staff proposes to amend the resolution to delete the maintenance condition and to accept Whitmore Avenue into the City street system in accordance with the law,

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

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 as amended have been complied with.

2. That the area or territory designated as the Whitmore-Gutherie Reorganization located on the north side of Whitmore Avenue and east of Ustick Road is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Industrial Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County

Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that Resolution No. 91-513 adopted August 6, 1991, is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works and Transportation
Department - Engineering Division

WHITMORE-GUTHRIE REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in a portion of Sections 8, 17 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the most Southeasterly corner of the Whitmore No. 3 Annexation, filed October 2, 1981, as instrument number 18247, Stanislaus County Records, said point of beginning being on the center line of Whitmore Avenue; thence North 0° 10'40" East 1174.84 feet along the Eastern boundary of said Whitmore No. 3 Annexation; thence continuing along said boundary South 89°20'00" East 481.23 feet to a corner on the Western boundary of the Whitmore No. 2 Annexation, filed November 20, 1980 as instrument number 32240, Stanislaus County Records; thence the following three (3) courses along the boundary of said Whitmore No. 2 Annexation:

1. South 0°10'00" West 700.00 feet
2. South 89°20'00" East 182.00 feet
3. South 0°10'00" West 472.00 feet to the most Southwesterly corner of said Whitmore No. 2 Annexation, said corner being on the aforementioned center line of Whitmore Avenue; thence South 89° 29'00" East 3304.40 feet along said center line of Whitmore Avenue, being also the Southerly lines of said Whitmore No. 3 Annexation and Crows Landing-Whitmore Annexation, filed April 4, 1980 as instrument number 62873, Stanislaus County Records, to the Southeast corner of said Crows Landing-Whitmore Annexation, said corner being also the Southeast corner of said Section 8 and the intersection of the center lines of Whitmore Avenue and Crows Landing Road; thence South 0° 6'00" West 50.00 feet along said center line of Crows Landing Road; thence the following seven (7) courses along the South right of way line of said Whitmore Avenue:

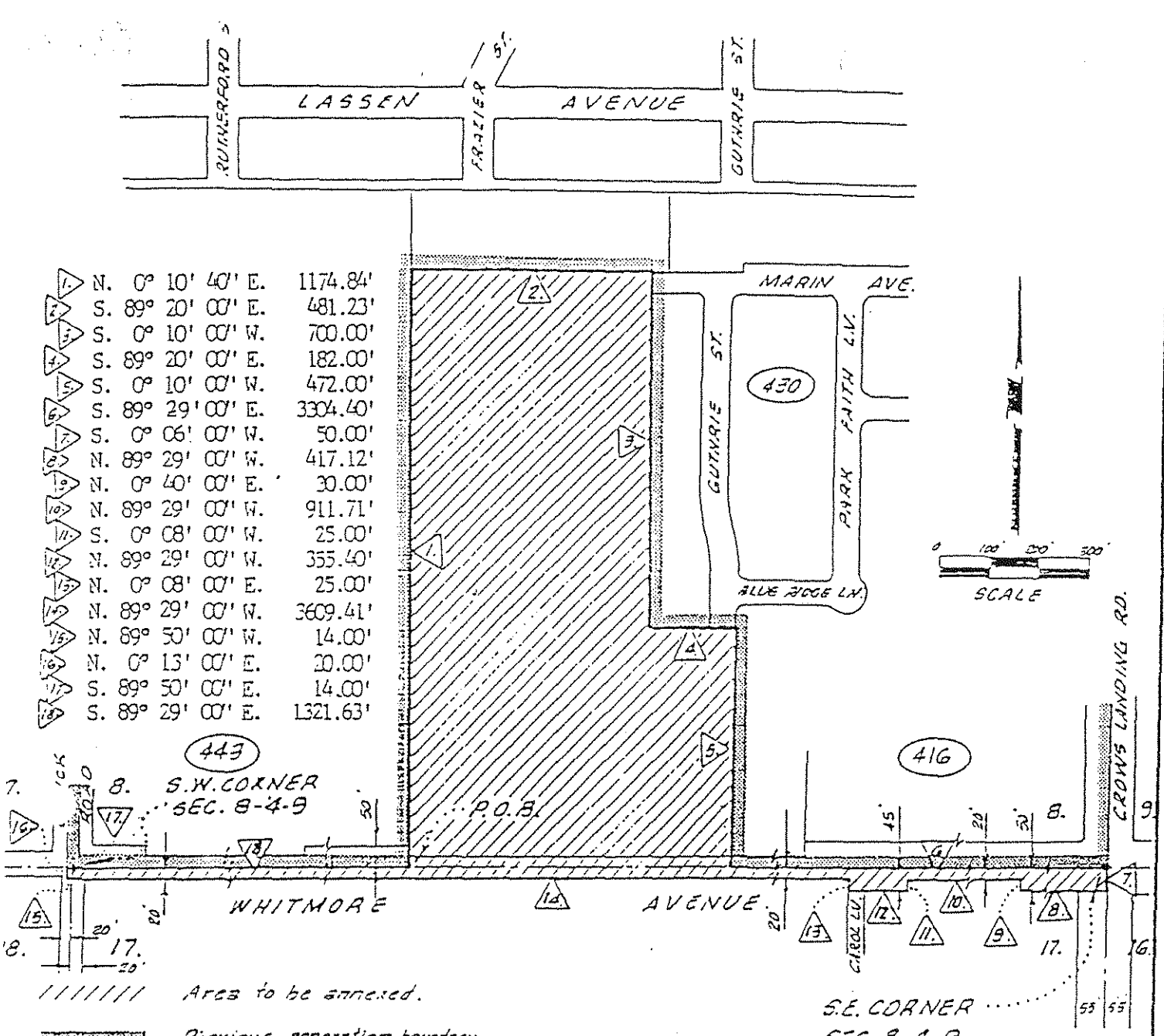
1. North 89°29'00" West 417.12 feet
2. North 0°40'00" East 30.00 feet
3. North 89°29'00" West 911.71 feet
4. South 0°08'00" West 25.00 feet
5. North 89°29'00" West 355.40 feet
6. North 0°08'00" East 25.00 feet
7. North 89° 29'00" West 3609.41 feet to the center line of Ustick Avenue and the West line of said Section 17; thence North 89°50'00" West 14.00 feet; thence North 0°13'00" East 20.00 feet to the center line of Whitmore Avenue and the North line of said Section 18; thence South 89° 50'00" East 14.00 feet along said center line and Section line to the Southwest corner of said Section 8; thence South 89°29'00" East 1321.63 feet to the point of beginning.

CONTAINING: 17.93 acres, more or less

Exhibit "A"

LICENSED LAND SURVEYOR
JAMES S. OAK
3718
Exp 6-30-12
STATE OF CALIFORNIA

Approved as to description
ON 9-1-
BY



1.	N.	0° 10' 40"	E.	1174.84'
2.	S.	89° 20' 00"	E.	481.23'
3.	S.	0° 10' 00"	W.	700.00'
4.	S.	89° 20' 00"	E.	182.00'
5.	S.	0° 10' 00"	W.	472.00'
6.	S.	89° 29' 00"	E.	3304.40'
7.	S.	0° 06' 00"	W.	50.00'
8.	N.	89° 29' 00"	W.	417.12'
9.	N.	0° 40' 00"	E.	30.00'
10.	N.	89° 29' 00"	W.	911.71'
11.	S.	0° 08' 00"	W.	25.00'
12.	N.	89° 29' 00"	W.	355.40'
13.	N.	0° 08' 00"	E.	25.00'
14.	N.	89° 29' 00"	W.	3609.41'
15.	N.	89° 50' 00"	W.	14.00'
16.	N.	0° 13' 00"	E.	20.00'
17.	S.	89° 50' 00"	E.	14.00'
18.	S.	89° 29' 00"	E.	1321.63'

//////// Area to be annexed.

Previous annexation boundary.

References are to Stanislaus County Records.

(416) CROWS LANDING - WHITMORE ANNEXATION Filed 4-4-80 - Inst. No. 62873

(430) WHITMORE No. 2 ANNEXATION Filed 11-20-80 - Inst. No. 32240

(443) WHITMORE No. 3 ANNEXATION Filed 10-2-81 - Inst. No. 18247

BASIS OF BEARINGS: S. 89° 20' 00" E. for the South line of Rutherford Tract as per map filed 3-19-47 in Volume 16 Maps, Page 37, Stanislaus County Records.

WHITMORE-GUTHRIE

REORGANIZATION

TO CITY OF MODESTO

17.93 ACRES

Approved as to description

BY July-1-91

BY City Mgr.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-487

A RESOLUTION APPOINTING PETER DUTTON, MARIA HATCH, BETTY INCLAN AND KATHLEEN MORGAN TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following persons are hereby appointed to the Community Qualities Forum:

Peter Dutton - term to expire 12/31/94
Maria Hatch - term to expire 12/31/95
Betty Inclan - term to expire 12/31/93
Kathleen Morgan - term to expire 12/31/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-488

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REROOFING AIRPORT HANGAR NO. 1

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

SECTION 1. The specifications for reroofing Airport Hangar No. 1 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 16, 1993 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-489

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SCENIC DRIVE STREET WIDENING EAST OF OAKDALE

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

SECTION 1. The specifications for the Scenic Drive street widening east of Oakdale , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 16, 1993 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-489A

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE SCENIC DRIVE STREET WIDENING PROJECT EAST OF OAKDALE ROAD.

WHEREAS, on March 31, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Scenic Drive street widening east of Oakdale Road project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration ~~(or draft mitigated negative declaration)~~ for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-490

Print

A RESOLUTION ACCEPTING THE ANNUAL SEWER REHABILITATION PROJECT - COLDWELL AVENUE BETWEEN HACKBERRY AND ENSLEN AND HELEN AVENUE BETWEEN MCHENRY AVENUE AND ILA WAY

WHEREAS, a report has been filed by the Director of Public Works, that the annual sewer rehabilitation project - Coldwell Avenue between Hackberry and Enslen and Helen Avenue between McHenry Avenue and Ila Way has been completed by Allen A. Waggoner Construction Inc. in accordance with the contract agreement dated .

NOW, THEREFORE, BE IT RESOLVED that the annual sewer rehabilitation project - Coldwell Avenue between Hackberry and Enslen and Helen Avenue between McHenry Avenue and Ila Way be accepted from said contractor, ; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $68,124.22 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-491

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INDUSTRIAL FIRE DISTRICT FOR PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL FIRST RESPONDER SERVICE TO INDUSTRIAL FIRE DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Industrial Fire District for providing fire protection and emergency medical first responder service to Industrial Fire District

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Mayor Lang

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-492

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND PACIFIC MEDIA GROUP TO PROVIDE ADVERTISING AGENCY SERVICES TO THE CITY'S PUBLIC TRANSPORTATION SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Media Group to provide advertising agency services to the City's public transportation services

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Mayor Lang

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-493

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE ALLEY RIGHT-OF-WAY IN BLOCK 2185 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Donald Bradley, the property owner at 1850 Maria Court, to abandon a portion of the alley right-of-way in Block 2185 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate alleys, and

WHEREAS, said portion of the alley right-of-way is located in Block 2185 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Section 8331 of the California Streets and Highways Code.

2. Section 8331 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate the impassable right-of-way of a

street not required for street purposes for a period of five consecutive years.

3. The portion of right-of-way proposed for abandonment is not needed for future use.

4. Access to or from the adjoining commercial parcel to the south is not authorized.

5. That from and after the date this resolution is recorded, said portion of alley right-of-way vacated in Block 2185 of the City of Modesto will no longer constitute an alley.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of alley right-of-way located in Block 2185 of the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT, ENGINEERING

EXHIBIT "A"

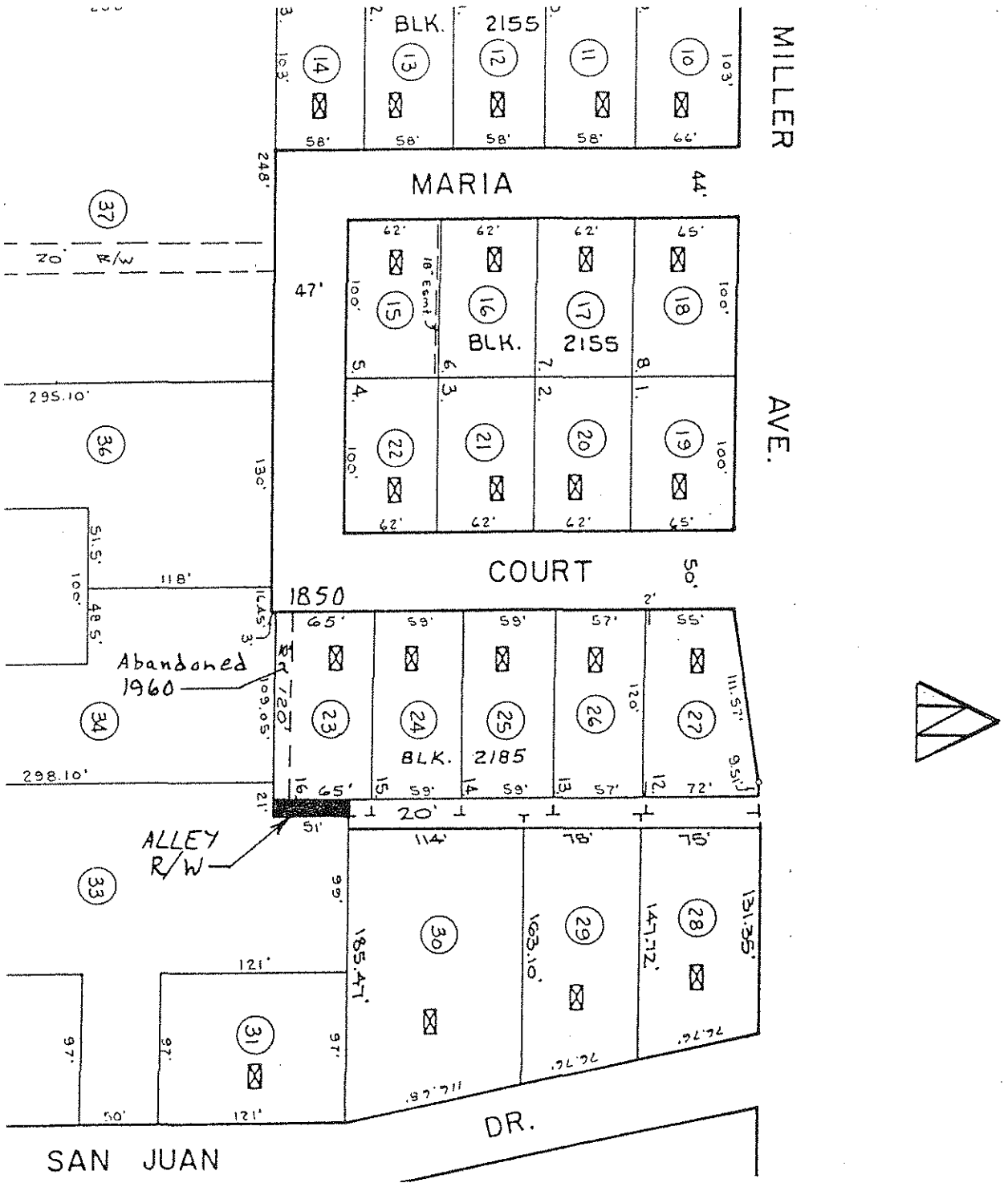
1850 MARIA COURT
LOT 16 - BLOCK 2185
APN 116-0923

VACATE AND ABANDON A PORTION OF ALLEY - BLOCK 2185

All that real property in the State of California, County of Stanislaus, City of Modesto, Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The East 10 feet of the South 51 feet, measured at right angles, of Lot 16 of Block 2185 of Ucello Tract No. 2 as per map filed July 18, 1949 in Volume 16 of Maps, Page 59, Stanislaus County Records.

Reserving therefrom any existing easements or rights necessary to maintain, operate replace, remove or renew the public utility facilities.



APPROVED BY:	R.E.
DATE:	EXP. DATE:
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: 8-11-93	DRAWN BY: D. SAMSKI

VACATE and ABANDON ALLEY R/W AT BLOCK 2185

APN 116-0923

CHECKED BY: | FIELD BOOK: | PAGE:

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

ACTIVITY NO. 4112

FILE NO.

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 93-494

A RESOLUTION DESIGNATING LABOR DAY, SEPTEMBER 6, 1993, AS "TRY AMERICAN DAY".

WHEREAS, the creativity and ingenuity of American working men and women in the United States has provided a host of new products and services which improve the quality of life in the United States and the World, and

WHEREAS, American workers should be recognized as one of our Nation's most valuable resources, and

WHEREAS, the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world, and

WHEREAS, the United States and its citizens have reason to celebrate the strength and quality of American products and services, and

WHEREAS, the quality and abundance of American goods are a tribute to the productivity and ability of American workers, and

WHEREAS, the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products, and

WHEREAS, American farmers and ranchers provide this country and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000, and

WHEREAS, the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people, and

WHEREAS, American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that September 6, 1993, Labor Day, is hereby designated as "Try American Day" and the citizens of Modesto are encouraged to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-495

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE HETCH HETCHY BIKE PATH, PHASE I

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

SECTION 1. The specifications for the Hetch Hetchy Bike Path, Phase I , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 7, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-496

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO NEW STREET SWEEPERS

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

SECTION 1. The specifications for furnishing two new street sweepers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 4, 1993, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-497

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVENTEEN USED LATE MODEL SEDANS AND THREE USED LATE MODEL TRUCKS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION OR BY SEALED BID IF THE TRUCKS ARE NOT AVAILABLE THROUGH THE AUCTION PROCESS

WHEREAS, the Public Works and Transportation Department, Service Division has requested the purchase of seventeen used late model sedans and three used late model trucks to replace vehicles that are no longer serviceable; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont and Bay Cities Auto Auction in Hayward have been selected by the City to furnish vehicles because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of seventeen used late model sedans and three used late model trucks is hereby waived.

BE IT FURTHER RESOLVED that purchase of seventeen used late model sedans and three used late model trucks from Golden Gate Auto Auction and/or Bay Cities Auto Auction or by sealed bid if the trucks are not available through the auction process, for an estimated cost of $256,000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-498

Print

A RESOLUTION SETTING PRIORITIES FOR PROJECTS TO BE INCLUDED IN THE CITY'S SUBMITTAL FOR TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROJECTS AND STATING THE COUNCIL'S COMMITMENT TO PROVIDING THE LOCAL MATCH AS NECESSARY.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment; and through this program, ISTEA reflects a growing recognition that transportation programs vital to national mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, Transportation Enhancement Funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities. Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, the City of Modesto has been asked to identify projects which are appropriate to be included for consideration for TEA funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby sets the priorities for

projects to be included in the City's submittal for Transportation Enhancement Activities Projects as set forth below and hereby states the Council's commitment to providing the local match as necessary.

1. Dry Creek Bike Trail Project.

This is a project to develop approximately three miles of a pedestrian/Class I bicycle trail along the south bank of Dry Creek from El Vista Avenue to the eastern side of Claus Road. This proposed trail will meander along the creek bluff through Dry Creek Regional Park and along a dedicated trail easement.

2. Transportation Center Operations Project.

This is a project for a 2 1/2 year period of time which would cover the operations cost of that portion of the Transportation Center which is specifically open to the public. Said project allows use of a historic building for transportation purposes that are not for profit.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute and submit any and all documentation in relation to the Transportation Enhancement Grant Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-499

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $42,900 TO FUND NEW LIMITED-TERM (TWO YEAR) JUNIOR CIVIL ENGINEER POSITION IN THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

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

FROM:	Water Reserves (610 800 8000 8003)	$42,900
TO:	Salaries, Regular (610 480 5012 0110)	$32,257
	(610 480 5012 0160)	$10,643

Funding is needed for limited-term Junior Assistant Civil Engineer. This position was inadvertently left out of FY 1994 Operating Budget for Organization 5012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th **day of** September **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-500

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT TO ALLOW REPLACEMENT OF THE NARROW BRIDGE CROSSING ON EL VECINO AVENUE AT M.I.D. LATERAL NO. 4

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to Consent to Common Use agreement with Modesto Irrigation District to allow replacement of the narrow bridge crossing on El Vecino Avenue at M.I.D. Lateral No. 4 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-501

Print

A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION REGARDING EMERGENCY SERVICE AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the letter of agreement with the Federal Aviation Administration regarding emergency service at the Modesto City-County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-502

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT NOISE COMPATIBILITY PROGRAM AND AUTHORIZING SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION FOR FINAL APPROVAL.

WHEREAS, the City of Modesto, as operator of the Modesto City-County Airport, has recognized the importance of an aircraft noise abatement program, and in 1991, undertook a Federal Aviation Administration's FAR Part 150 Study, and

WHEREAS, the Airport Noise Compatibility Program is a program that encourages the balancing of community concerns and aviation needs, and

WHEREAS, in August 1992, the City Council conducted a public hearing to consider a draft Airport Noise Compatibility report prepared for the City by P & D Aviation, a division of P&D Technologies, airport consultants, and

WHEREAS, following that Council meeting, the consultants were requested to prepare a final document that could be adopted and then submitted to the FAA for their final approval, and

WHEREAS, a final document entitled "FAR Part 150 Airport Noise Compatibility Program Modesto City-County Airport" dated August 13, 1993, was presented to the City Council at its meeting of September 7, 1993,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the final document

prepared by McClintock, Becker & Associates, a subsidiary of P&D Technologies, Inc., entitled "FAR Part 150 Airport Noise Compatibility Program Modesto City-County Airport" dated August 13, 1993, a copy of which report is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute and submit any and all documentation in relation to said report to the Federal Aviation Administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-503

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FINANCING AGREEMENTS WITH PROPERTY OWNERS CECELIA MOTT, RODNEY WARING, RODOLFO SANDOVAL AND LUCAS ALBERTO FOR THE PURPOSE OF REHABILITATING THEIR PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute financing agreements with property owners Cecelia Mott, Rodney Waring, Rodolfo Sandoval and Lucas Alberto for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation Program.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-504

A RESOLUTION APPROVING REAMORTIZATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN FOR UNCLE CHARLIE'S GROUP HOME.

WHEREAS, Reverend Charlie Crane of Uncle Charlie's Group Home obtained a Community Development Block Grant (CDBG) loan in the amount of $87,000 in March, 1988, to purchase and rehabilitate the house at 523 North Martin Luther King Drive, Modesto, and

WHEREAS, the house was purchased in 1988 and remodeled to serve as a group home for delinquent and older children, and

WHEREAS, Reverend Crane has made his required payments on said loan, and

WHEREAS, in July, 1989, an additional CDBG loan in the amount of $54,552 was awarded to Uncle Charlie's Group Home, which was a one-year deferred payment loan to cover the additional costs of providing the Independent Living Skills Program, an upgraded program from the original group home proposal, and

WHEREAS, according to the agreement, the loan was to be paid in full by June 20, 1990, when the State would reimburse Uncle Charlie's Group Home for the costs of upgrading to the new program, and

WHEREAS, the State did approve the upgraded program, but did not reimburse Uncle Charlie's Group Home, consequently, this loan was not paid off according to the agreement, and

WHEREAS, the Community Housing and Community Development Committee, at their July 2, 1993 meeting, recommended that the City Council approve a request from Mr. Crane, proposing to make payments of $554.60 per month on the $54,552 loan commencing on July 27, 1993, half of the payment would be applied to the accumulated interest and the remaining half would be applied to the current month's interest, and

WHEREAS, a report dated August 27, 1993, from the Planning and Community Development Department recommended to the City Council a proposal to reamortize a CDBG loan approved for Uncle Charlie's Group Home, a copy of which report is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal and recommendation to accept payment from Mr. Crane in the amount of $508.75 per month on the $54,552 loan, commencing on July 27, 1993, with the payoff to be within two years, with back interest added to the principal and the entire loan reamortized over a 15 year period, is hereby approved contingent upon an appraisal of the property being more than the total of the two outstanding loans.

BE IT FURTHER RESOLVED, that the City Manager or his authorized designee is hereby authorized as the official representative of the City of Modesto to execute any necessary documents in relation to this transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-505

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT OF $36,347 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Service Program/Senior Nutrition Program for a grant of $36,347 under the Community Development Block Grant Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-506

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF $11,136 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94 FOR THE HOUSING COUNSELING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Service for a grant of $11,136 under the Community Development Block Grant Program for fiscal year 1993-94 for the Housing Counseling Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th **day of** September **,** 1993 **, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-507

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICE FOR A GRANT OF $36,712 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94 FOR THE TRANSITIONAL HOUSING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Service for a grant of $36,712 under the Community Development Block Grant Program for fiscal year 1993-94 for the Transitional Housing Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-508

Print

A RESOLUTION APPROVING THE SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS PROVIDING FOR THE CITY TO REIMBURSE THE DISTRICT FOR THE CITY'S SHARE OF THE DISTRICT'S COSTS RELATED TO THE ACQUISITION OF THE JOHANSEN HIGH SCHOOL/SUTTON COMMUNITY PARK SITE PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to the agreement between the City of Modesto and Modesto City Schools providing for the City to reimburse the District for the City's share ($1,401,529.23) of the District's costs related to the acquisition of the Johansen High School/Sutton Community Park site property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-509

Print

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CITY SCHOOL DISTRICT REGARDING USE OF TWO BALLFIELDS IN THE JOHANSEN HIGH SCHOOL/SUTTON COMMUNITY PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District regarding the use of two ballfields in the Johansen High School/Sutton Community Park site be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-510

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT PROVIDING FOR THE CITY TO REIMBURSE THE DISTRICT FOR CONSTRUCTION OF THE POOL AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District providing for the City to reimburse the District $518,525 for construction of the pool at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-511

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT REGARDING THE SWIMMING POOL SUPPORT FACILITY AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District regarding the City's construction, maintainence and repair of the swimming pool support facility at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-512

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT PROVIDING FOR USE OF AND REIMBURSEMENT OF THE CITY'S SHARE OF THE CONSTRUCTION OF TENNIS COURTS AT THE JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District providing for use of and reimbursement of the City's share of the construction of tennis courts at the Johansen High School be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-513

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $747,954 FOR THE JOHANSEN COMMUNITY PARK TENNIS COURTS PROJECT, AND JOHANSEN COMMUNITY PARK LAND ACQUISITION PROJECT

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

FROM:	NE McHenry Neighborhood Park Land Acquisition	$307.474
	Capital Facilities Fee Reserve	$440,484
TO:	Johansen Community Park Tennis Courts	$ 4
	Johansen Community Park Land Acquisition	$747,954

This transfer is needed to fund the Johansen Community Park tennis courts project and Johansen Community Park landscquisition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th **day of** September **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: **Councilmembers:** Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-514

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $75,000 FOR SOIL TESTING AND GROUND SURVEY FOR THE VILLAGE ONE STORM DRAINAGE SYSTEM

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

FROM:	Storm Drain Contingency Reserve (628 800 8000 8003)	$75,000
TO:	Village One - Soil Testing/Geometry Check	$75,000

Funds are needed for preliminary soil testing and ground survey for Village One storm drainage system.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th **day of** September **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Clerk

RESCINDED

9- Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-464

MODESTO CITY COUNCIL
RESOLUTION NO. 93-515

A RESOLUTION APPROVING THE INCLUSION OF THE ENTIRE INCORPORATED AREA OF THE CITY INTO THE STANISLAUS COUNTY RECYCLING MARKET DEVELOPMENT ZONE.

WHEREAS, an application is being made by the County of Stanislaus to the California Integrated Waste Management Board for consideration for designation as a Recycling Market Development Zone as a measure necessary to improve local and regional markets for recovered materials, and

WHEREAS, implementation of the source reduction and recycling element will result in a dramatic increase in the quantity and types of materials recovered from diversion programs instituted in conjunction with the mandated Integrated Waste Management Act, and

WHEREAS, the cities and the County of Stanislaus will be joint lead agencies for the Recycling Market Development Zone, and

WHEREAS, the Recycling boundaries would encompass all incorporated and unincorporated areas of Stanislaus County, and

WHEREAS, the creation of the Recycling Market Development Zone would enhance job creation and economic development goals, and

WHEREAS, upon designation by the California Integrated Waste Management Board of the Recycling Market Development Zone, the City of Modesto will work to expand participation in the Zone,

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

SECTION 1. Current and planned City waste management practices, programs, and conditions are favorable to the development of post-consumer waste material markets.

SECTION 2. The designation of the Recycling Market Development Zone is necessary in order to assist in attracting and developing private sector recycling business investments to the proposed Zone.

SECTION 3. The City of Modesto hereby agrees to complete all actions stated in the application for the Recycling Market Development Zone that apply to the City's jurisdiction.

SECTION 4. The City Council of the City of Modesto hereby approves the inclusion of the entire incorporated area of the City of Modesto into the Stanislaus County Recycling Market Development Zone.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-516

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE WASTEWATER TREATMENT PLANT.

WHEREAS, on July 21, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Wastewater Treatment Plant project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-517

A RESOLUTION ADOPTING A BIOSOLIDS MANAGEMENT PLAN FOR THE CITY OF MODESTO AND A BIOSOLIDS MITIGATION MONITORING PROGRAM.

WHEREAS, a land application permit and the development of a biosolids management plan are required by new federal regulations for disposal of biosolids, and

WHEREAS, issuance of a land application permit for biosolids from the California Regional Water Quality Control Board is pending on the adoption of the mitigated negative declaration and biosolids management plan by the City Council, and

WHEREAS, a Biosolids Management Plan for the City of Modesto, dated March 23, 1993, and revised July 22, 1993, has been prepared by DJH Engineering and Brisco Enterprises, and was considered by the City Council at its meeting held on September 14, 1993, and

WHEREAS, a Biosolids Mitigation Monitoring Program dated July 22, 1993, was also considered by the City Council at its meeting held on September 14, 1993,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby adopts the Biosolids Management Plan for the City of Modesto and the Biosolids Mitigation Monitoring Program, and City staff is hereby directed to amend the City's application pending before the California Regional Water Quality

Control Board to limit the term of the permit to eighteen (18) months.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any documents in relation to said application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-518

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR SALE TO THEM OF 6.364 ACRES OF LAND NEEDED TO CONSTRUCT THE SURFACE WATER TREATMENT PLANT TERMINAL RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for sale to them of 6.364 acres of land needed to construct the Surface Water Treatment Plant terminal reservoirs

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO.93-519

A RESOLUTION APPROVING A LICENSE WITH MODESTO IRRIGATION DISTRICT TO ALLOW THEM ON PROPERTY PURCHASED FOR THE SURFACE WATER TREATMENT PLANT TERMINAL RESERVOIRS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license with Modesto Irrigation District to allow them on property purchased for the Surface Water Treatment Plant terminal reservoirs prior to the close of escrow be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-520

Print

A RESOLUTION APPROVING AN AMENDED AGREEMENT WITH ALCORN FARMS FOR THE LEASE OF 11.5 ACRES OF CITY-OWNED PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Alcorn Farms for the lease of 11.5 acres of City-owned property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-521

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WRITE A LETTER TO THE MODESTO IRRIGATION DISTRICT ACCEPTING THE FINAL DESIGN PLANS FOR THE SEDIMENTATION BASIN

WHEREAS, the Policy Committee met on July 21, 1993, and recommended acceptance of Final Design Plans and Specifications for the Sedimentation Basin in conjunction with the Modesto Surface Water Treatment Plant study.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to write a letter to the Modesto Irrigation District accepting the final design plans for the sedimentation basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-522

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE TO PARTICIPATE IN THE SUBSIDIZED FEDERAL WORK-STUDY PROGRAM FOR THE 1993-94 ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 1993-94 academic year

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-523

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 FOR ASBESTOS REMOVAL ON CONTROL BUILDING EXPANSION PROJECT AT THE WATER QUALITY CONTROL PLANT

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

FROM:	Water Fund Reserves (610)	$25,000
TO:	Control Building Expansion at WQCP (610 480 C146)	$25,000

When the project was originally budgeted, asbestos abatement was estimated at $5,000. The actual asbestos abatement cost was $30,000. The transfer is needed to cover the additional cost for asbestos abatement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th **day of** September **,** 19 93 **, by Councilmember** Bird **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-524

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATERLINES IN THE GRANGER-ARDMORE AVENUE AREA

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

SECTION 1. The specifications for installation of waterlines in the Granger-Ardmore Avenue area , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1993 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September 1993 , by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-525

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LAKEWOOD SEWER TRUNK EXTENSION UNDER MODESTO IRRIGATION DISTRICT LATERAL NO. 3

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

SECTION 1. The specifications for the Lakewood sewer trunk extension under Modesto Irrigation District Lateral No. 3 , **copies of which are on file, are hereby accepted and approved.**

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1993 **at** 11:00 a.m., **the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.**

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **19** 93, **by Councilmember** Patterson, **who moved its adoption, which motion being duly seconded by Councilmember** Bird, **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Mutatore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

7

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-526

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER & MINENI CONSTRUCTION INC. FOR THE MECHANICAL BAR SCREEN REPLACEMENT PROJECT

WHEREAS, Resolution No. 93-448 **, adopted by the Council of the City of Modesto on** August 3 **, 19**93 **, approved the plans and specifications for** barscreen replacement

and authorized the calling for bids; and

WHEREAS, the bids received for the bar screen replacement project **were opened at** 11:00 a.m. **on** September 2, **19** 93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Scrimsher & Mineni Construction Inc. in the amount of $570.878 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher & Mineni Construction, Inc. in the amount of $570,878 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** 19**93 , by Councilmember** Patterson **who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-527

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE ZEFF ROAD STREET IMPROVEMENTS PROJECT

WHEREAS, Resolution No. 93-459 **, adopted by the Council of the City of Modesto on** August 10 **, 19**93 **, approved the plans and specifications for** the Zeff Road street improvements

and authorized the calling for bids; and

WHEREAS, the bids received for the Zeff Road street improvements

were opened at 11:05 a.m. **on** September 2, **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Ross F. Carroll, Inc. in the amount of $51,000 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $51,000 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** 19**93 , by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-528

Print

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE WHITMORE AVENUE AND UNION PACIFIC RAILROAD CROSSING PROJECT

WHEREAS, Resolution No. 93-462 **, adopted by the Council of the City of Modesto on** August 10 **, 19**93 **, approved the plans and specifications for** the Whitmore Avenue and Union Pacific Railroad crossing project **and authorized the calling for bids; and**

WHEREAS, the bids received for the Whitmore Avenue and Union Pacific Railroad crossing project **were opened at** 11:15 a.m. **on** September 9, **19** 93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Teichert Construction in the amount of $52,642 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $52,642 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **, 19** 93 **, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-529

A RESOLUTION ACCEPTING THE BID OF TRI-TECHNIC, INC. FOR THE RUNWAY 28-R-10L REGULATOR UPGRADE

WHEREAS, Resolution No. 93-460 **, adopted by the Council of the City of Modesto on** August 10 **, 19** 93 **, approved the plans and specifications for** the runway 28-R-10L regulator upgrade

and authorized the calling for bids; and

WHEREAS, the bids received for the runway 28-R-10L regulator upgrade **were opened at** 11:05 a.m. **on** September 9, **19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Tri-Technic, Inc. in the amount of $34,541

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tri-Technic, Inc. in the amount of $34,541 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** **19** 93 **, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-530

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $11,252.00 TO FUND RUNWAY 28-R-10L REGULATOR UPGRADE PROJECT

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

FROM:	Strengthen Water, System-Aviation Area (632 480 B923 6040)	$11,252.00
TO:	Electrical Regulator Runway 28R-10L	$11,252.00

Additional funds are required because actual project costs were higher than originally budgeted for.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** 19 93 **, by Councilmember** Patterson**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

11

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-531

A RESOLUTION ACCEPTING THE BID OF AMERICAN CHEVROLET-GEO FOR FURNISHING ONE NEW SUBURBAN VEHICLE

WHEREAS, Resolution No. 93-189, adopted by the Council of the City of Modesto on April 6, 1993, approved the plans and specifications for the purchase of one new suburban vehicle

and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one suburban vehicle were opened at 11:15 a.m. on April 26, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of American Chevrolet-Geo in the amount of $25,683.21 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Chevrolet-Geo in the amount of $25,683.21 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. Res. 93-532

A RESOLUTION APPROVING THE PERSONAL COMPUTER ACQUISITION PROGRAM.

WHEREAS, one of the City Manager's challenges is to encourage and develop innovative ways to improve the performance of City services, and

WHEREAS, the most fundamental and primary business tool used by City staff today is the computer, and

WHEREAS, a "Personal Computer Acquisition Program" would increase the availability of computer technology to City employees, thereby enhancing their opportunities to improve their computer skills and literacy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Personal Computer Acquisition Program", as recommended by the City Manager, is hereby approved. Said program will create a mechanism to allow the lending of money to qualifying City employees, with a maximum three-year repayment term, to enable said employees to purchase personal computers for home use and professional growth and development. A copy of said "Personal Computer Acquisition Program" is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-533

A RESOLUTION AMENDING THE 1993-94 ANNUAL BUDGET OF THE CITY OF MODESTO TO ESTABLISH A PERSONAL COMPUTER ACQUISITION PROGRAM.

WHEREAS, the City of Modesto would benefit from a work force with improved computer proficiency, and

WHEREAS, a "Personal Computer Acquisition Program" would increase the availability of computer technology to City employees, thereby enhancing their opportunities to improve computer skills and literacy, and

WHEREAS, a revolving note receivable in an amount not to exceed $50,000 will be established in the Employee Benefits Management Fund (Fund No. 751),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a "Personal Computer Acquisition Program" be established for the benefit of current, regular City of Modesto employees.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Vice Mayor Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-534

Print

A RESOLUTION SUPPORTING ASSEMBLY BILL 1523 WHICH WOULD ALLOW A TAX INCOME CHECK OFF TO HELP FUND THE CONSTRUCTION OF THE CALIFORNIA FIREFIGHTERS MEMORIAL.

WHEREAS, the Modesto City Firefighters Association has requested Council support of AB 1523, and

WHEREAS, AB 1523 legislation would allow a tax income check off to help fund the construction of the California Firefighters Memorial, a structure to be built on the State Capitol grounds as a memorial to firefighters who have died in the line of duty, and

WHEREAS, funding would be accomplished by a tax check off method and would be at no cost to the taxpayers of California, and

WHEREAS, the Economic Development, Community and Intergovernmental relations Committee has reviewed the request from the Modesto Firefighters and has recommended Council support,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby supports AB 1523 legislation to allow a tax income designation to help fund the construction of the California Firefighters Memorial, a structure to be built on the State Capitol grounds as a memorial to firefighters who have died in the line of duty.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-535

Print

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND EMILIO REAL, PROPERTY OWNER, FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and property owner Emilio Real, for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-536

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS ASSOCIATION OF GOVERNMENTS (SAAG) FOR PROVISION OF TRAFFIC MODELING SERVICES BY CITY TRANSPORTATION DIVISION STAFF ON A REIMBURSABLE BASIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Association of Governments (SAAG) for provision of traffic modeling services by City Transportation Division staff on a reimbursable basis

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** 19 93 **, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Mayor Lang

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-537

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BLACK & VEATCH TO PREPARE A PLANT AND SANITARY COLLECTION SYSTEM MASTER PLAN AND A WASTEWATER REVENUE AND FINANCING PLAN TO IMPLEMENT THE IMPROVEMENTS RECOMMENDED BY THE MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Black & Veatch to prepare a Plant and Sanitary Collection System Master Plan and a Wastewater Revenue and Financing Plan to implement the improvements recommended by the Master Plan be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	Bird, Patterson
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-538

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $60,000 FROM SEWER RESERVES FOR COMPLETION OF THE WASTEWATER TREATMENT PLAN, THE COLLECTION SYSTEM MASTER PLAN, THE WASTEWATER STRATEGIC PLAN, AND FINANCE AND REVENUE PROGRAM

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

FROM:	Sewer Reserved	$60,000
TO:	W.Q.C.P. Master Plan	$40,000
	Collection System Master Plan	$20,000

Originally it was anticipated the Wastewater Treatment Plant Master Plan and Collection Master Plan would cost $250,000. This transfer will permit the completion of a Wastewater Treatment Master Plan, Collection System Master Plan, a Wastewater Strategic Plan, and a Finance and Revenue Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** September **,** 19 93 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Muratore **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	Bird, Patterson
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-539

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHN BREE FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE SEPTEMBER 21, 1993

WHEREAS, John Bree was appointed a member of the International Friendship Committee on January 27, 1987; and

WHEREAS, John Bree has tendered his resignation from the International Friendship Committee, effective September 21, 1993; and

WHEREAS, John Bree has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of John Bree from the International Friendship Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to John Bree for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-540

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RAY NISH FROM THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

WHEREAS, Ray Nish was appointed a member of the Tuolumne River Regional Park Citizens Advisory Committee on February 13, 1990; and

WHEREAS, Ray Nish has tendered his resignation, effective September 21, 1993; and

WHEREAS, Ray Nish has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ray Nish from the Tuolumne River Regional Park Citizens Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Ray Nish for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-541

Print

A RESOLUTION APPOINTING HOWARD SPIVAK TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. That Howard Spivak is hereby appointed to the Community Qualities Forum.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-542

A RESOLUTION APPOINTING DAVID DIAZ DURAN TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. That David Diaz Duran is hereby appointed to the Citizens Housing and Community Development Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of hte Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

4

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-543

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE JOHN MUIR COURT STORM DRAIN REPAIR

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

SECTION 1. The specifications for the John Muir Court storm drain repair , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1993 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-544

Print

A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR INSTALLATION OF WATERLINES IN THE TERESA-TEBBUTT AREA

WHEREAS, Resolution No. 93-461 **, adopted by the Council of the City of Modesto on** August 10 **, 19** 93 **, approved the plans and specifications for** the installation of waterlines in the Teresa-Tebbutt area **and authorized the calling for bids; and**

WHEREAS, the bids received for installation of waterlines in the Teresa-Tebbutt area **were opened at** 11:10 a.m. **on** September 9, **19** 93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Ksenco Construction in the amount of $214,990 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ksenco Construction in the amount of $214,990 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **,** **19** 93 **, by Councilmember** Muratore**, who moved its adoption, which motion being duly seconded by Councilmember** Friedman**, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-545

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $116,015 TO FUND THE INSTALLATION OF WATERLINES IN THE TERESA-TEBBUTT AREA

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

FROM:	Kearney, Orangeburg to Pearl	$68,400
	Tank No. 5 Construction	47,615
TO:	Alleys: Orangeburt, Teresa, Tebbutt	$116,015

Funds are needed because it was decided to expand the project in order to bring the water system in the whole area up to standard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **,** 1993 **, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-546

Print

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF COFFEE ROAD FROM FLOYD AVENUE TO RUMBLE AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the reconstruction of Coffee Road from Floyd Avenue to Rumble Avenue has been completed by Ross F. Carroll, Inc. in accordance with the contract agreement dated July 23, 1991.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of Coffee Road from Floyd Avenue to Rumble Road be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $382,900.23 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk (7)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-547

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID OR BY A PUBLIC AUCTION.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses one (1) lot of traffic signal equipment, list attached, which the Electrical Division of the Public Works and Transportation Department has requested to be placed into surplus, as this equipment is obsolete and has been replaced with state-of-the-art equipment, and

WHEREAS, the City possesses four (4) new 1993 Ford F250/F350SRW pickup truck boxes which the Service Division of the Public Works and Transportation Department has requested to be placed into surplus, as these new 1993 pickup truck boxes were removed from the four (4) new 1993 pickup trucks in order to accommodate the installation of flatbeds, and

WHEREAS, said equipment could best be sold on a sealed bid basis, however, if said items of property do not sell on a sealed bid basis said property should then be sold at a public auction,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a

sealed bid basis to the highest bidder, one (1) lot of traffic signal equipment, and four (4) new 1993 pickup truck boxes which are all referred to above, which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said items of property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CCR 8

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-548

A RESOLUTION SUPPORTING PROPOSITION 172, CALIFORNIA LOCAL PUBLIC SAFETY PROTECTION AND IMPROVEMENT ACT OF 1993, WHICH WILL APPEAR ON THE NOVEMBER 1993 BALLOT TO EXTEND THE ONE-HALF PERCENT STATE SALES TAX RATE.

WHEREAS, police and fire protection services are of vital importance to the citizens of Modesto, and

WHEREAS, the Modesto City Council believes public safety is an essential, basic and high priority service of city government, and

WHEREAS, the shift of over $27.7 million in local property tax dollars from Stanislaus County and its nine cities to schools in two years forces dramatic changes in the delivery of local public safety services, and

WHEREAS, adequate community protection for all residents of Modesto and Stanislaus County is continually threatened because of funding changes at the state level, and

WHEREAS, identified reductions in county law enforcement, fire protection and criminal justice services - due to failure of Proposition 172 - will impair the ability of Modesto Police and Fire personnel to adequately perform their duties, and

WHEREAS, Proposition 172 is not a new tax nor a tax increase, but is an extension of an existing tax that will be returned to Stanislaus County and its nine cities to be used exclusively for public safety, and

WHEREAS, the revenue from Proposition 172 is crucial for the county and the city to be able to meet the basic safety and protection needs of our growing region, and

WHEREAS, the City of Modesto is dedicated to the safety of its citizens and understands that Proposition 172 revenue will prevent the dissolution of a strong regional criminal justice system,

NOW, THEREFORE, BE IT RESOLVED by the Council the City of Modesto that it hereby supports Proposition 172, the Local Public Safety Protection and Improvement Act of 1993, for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

09/29/93--CA

OP0N13KKsw

9

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-549

A RESOLUTION AUTHORIZING THE MODESTO POLICE CHIEF TO ALLOW, AT HIS DISCRETION, ON-DUTY POLICE PERSONNEL TO WORK ON THE ACTIVITIES OF THE POLICE ACTIVITIES LEAGUE (PAL).

WHEREAS, the Police Activities League (PAL) provides recreation and athletic activities for young people, many of whom are "at risk" children, and

WHEREAS, all the activities of PAL are free to the participants, PAL provides playground activities and games and special activities, such as crafts, aerobics, karate, and movies are also provided, and

WHEREAS, PAL has had impressive results with the children it serves and also with their parents and community, and

WHEREAS, in an economically deprived area of the city, with drug and gang influences, PAL provides an alternate for children, and

WHEREAS, the goal of PAL is to build children's self-esteem, giving them the opportunity to be successful without belonging to gangs or participating in criminal activities, and

WHEREAS, the work of PAL enhances the realization of the goals of the Modesto Police Department and the City of Modesto, as a whole, for a safe community and a good quality of life, and

WHEREAS, at its meeting on August 17, 1993, the PUblic Safety Committee unanimously approved City support in police

personnel time of PAL activities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Chief is hereby authorized to allow, at his discretion, on-duty Police personnel to work on the activities of the Police Activities League (PAL).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

09/28/93 OPON13FM/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-550

A RESOLUTION APPROVING A REQUEST BY THE STANISLAUS-CERES REDEVELOPMENT COMMISSION FOR A LOAN OF SEWER CONNECTION CHARGES - BROAD ACRES MOBILEHOME PARK.

WHEREAS, the Stanislaus-Ceres Redevelopment Commission is a redevelopment agency formed by a joint-powers agreement between the City of Ceres and the County of Stanislaus to carry out redevelopment in unincorporated areas of the City of Ceres' Sphere of Influence, and

WHEREAS, several months ago, the Commission received a request from the owners of the Broad Acres Mobilehome Park to help the park connect to the sewer, as the park's septic system was failing and the connection costs were too much for the park's owners to manage without help, and

WHEREAS, the park's lower income residents could not afford the increased rates that would accompany this investment, and

WHEREAS, although emergency repairs have been made, the park has been put on notice by the County that additional repairs will not be permitted, and

WHEREAS, without a permanent solution to the wastewater problem, 58 low- and moderate-income households which currently reside in the park would be in jeopardy of losing their homes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in order to be a cooperative participant

with other governmental agencies in assisting area residents who are in need, the request from the Stanislaus-Ceres Redevelopment Commission for a "loan" of $29,000 in sewer connection charges for Broad Acres Mobilehome Park to help the park connect to the sewer, as the park's septic system is failing and the connection costs would be too much for the park's owners to manage without help, is hereby approved with the understanding that the Commission would pay back the loan, with interest to be paid on the deferred payment at the rate to be set at the average portfolio earnings rate on the City's investments as reported monthly to City Council for the term in which the loan is outstanding, from tax increment funds received in the future.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

09/28/93

OPON13GG/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-551

Print

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN GRANT ACCEPTANCE LETTER AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR GRANT FUNDING IN THE AMOUNT OF $22,000 FOR THE PREPARATION OF A FEASIBILITY STUDY ON THE USE OF TELECOMMUNICATIONS IN VILLAGE ONE, AND FOR GRANT FUNDING IN THE AMOUNT OF $18,000 FOR THE CITY'S SHARE OF A 24-HOUR TELECOMMUTER CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and San Joaquin Valley Unified Air Pollution Control District for grant funding in the amount of $22,000 for the preparation of a feasibility study on the use of telecommunications in Village One, and for grant funding in the amount of $18,000 for the City's share of a 24-hour telecommuter center planned with Caltrans for operation in early 1994 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-552

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR GRANT FUNDING REVENUE FROM SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT IN THE AMOUNT OF $40,000. AND EXPENDITURES IN THE AMOUNT OF $22,000 FOR THE PREPARATION OF A FEASIBILITY STUDY ON THE USE OF TELECOMMUNICATIONS IN VILLAGE ONE, AND $18,000. FOR THE CITY'S SHARE OF A 24-HOUR TELECOMMUTER CENTER.

WHEREAS, the Council of the City of Modesto has been notified of a grant from the San Joaquin Valley Unified Air Pollution Control District for preparation of a feasibility study on the use of telecommunications in Village One in the amount of $22,000 and for the City's share of a 24-hour telecommuter center in the amount of $18,000, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for FY1993-94 to estimate grant related revenues and appropriate grant related expenditures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

Revenue

010-080-0801-3302	SJVUAPCD Grant	$40,000.

Appropriations

010-080-0801-0235	Professional Services	$40,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-553

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A USED MOTOR OIL BLOCK GRANT.

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for a used oil collection block grant to enable the City to obtain funds to offset the cost of a comprehensive public education program identified for short-term implementation in the City's draft Household Hazardous Waste Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the California Integrated Waste Management Board for a used oil collection block grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

09/28/93 OP0N13HJ/CA/rh

Clerk (14)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-554

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1994" TO BE HELD ON SATURDAY, APRIL 30TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A PRIVATE SPECIAL EVENTS COORDINATOR FOR SAID EVENT.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; and to authorize the Purchasing Officer to assist the Earth Day Committee with the selection process and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1994" as recommended by CACOR,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1994" to be held on Saturday, April 30, 1994, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to assist the Earth Day Committee with the selection and contracting of a Special Events Coordinator to coordinate all activities for "Earth Day in the Park 1994".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

09/28/93

OPONOGJR/CA/rh

16

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-555

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION FOR THE FISCAL YEAR 1993-94.

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCFFA for the Fiscal Year 1993-94, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

09/28/93

OPON13HN/CA/rh

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

09/28/93 OP0N13HN/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-556

A RESOLUTION SUPPORTING THE ENDORSEMENT OF SENATE CONSTITUTIONAL AMENDMENT 17 ON THE NOVEMBER 2, 1993, STATE BALLOT.

WHEREAS, a request has been received from the Housing Opportunities Mobilization Political Action Committee (HOMEPAC) seeking the City of Modesto's endorsement of Senate Constitutional Amendment 17 (SCA 17), and

WHEREAS, SCA 17 would reverse the thrust of Article 34 of the State Constitution, which requires proponents of a housing project to seek and receive a positive vote from the electorate prior to developing an affordable housing project, and would require instead that opponents of affordable housing developments circulate petitions and collect signatures to force a vote on housing developments that they oppose, and

WHEREAS, since Modesto currently has Article 34 authority, the passage of the measure would not impact the City until such time as Modesto's referendum authority has been exhausted, at which time the City will become subject to either a new Article 34 referendum or the new SCA 17 law, and

WHEREAS, SCA 17 is supported by a diverse set of interest groups including the California Association of Realtors, California Chamber of Commerce, California Rural Legal Assistance Foundation, Sierra Club, League of California Cities, League of Women Voters and Bank of America, and

WHEREAS, passage of this measure will remove one of the more difficult stumbling blocks relating to affordable housing by placing the burden of stopping development on those who oppose it rather than requiring proponents to secure an affirmative vote for a project, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee of the City Council discussed this issue on September 10, 1993, and recommended that the City Council support the endorsement of SCA 17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the endorsement of SCA 17 for placement on the November 2, 1993, State ballot.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-557

A RESOLUTION ADOPTING A TEMPORARY DELINQUENT LOAN POLICY AS AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PROGRAM OFFICE POLICY AND PROCEDURES MANUAL.

WHEREAS, the Policy and Procedures Manual for the Community Development Program Office calls for a variety of steps and actions to be taken by the City in instances where borrowers of Housing Rehabilitation Loans are not making payments as specified in the promissory notes securing those loans, and

WHEREAS, it is crucial to establish procedures that can and will be followed in the event that borrowers do not meet their obligations, and

WHEREAS, one of the recommendations of the recent Finance Department audit was to contract out loan servicing to an outside agent, and

WHEREAS, given the substantial size of the City's portfolio and the pending selection of new target areas for expansion of the Housing Maintenance Program, it is necessary to amend the Community Development Program Office's Policy and Procedures Manual to assure that a policy will be in place that can and will be followed, and

WHEREAS, this proposal was reviewed by the Housing Rehabilitation Loan Committee and the Citizen's Housing and Community Development Committee at their August 1993 meeting and both committees recommend Council approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of a Temporary Delinquent Loan Policy as an amendment to the Community Development Program Office Policy and Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-558

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO SHIFT APPROPRIATIONS FROM THE CDBG PROGRAM TO THE HOME PROGRAM.

WHEREAS, the City of Modesto received a $750,000 HOME grant during FY 1992-93. These funds were not expended. A portion of these funds were reappropriated in the 1993-94 Annual Budget as follows: $500,000 in the Housing Rehabilitation Program-Loan principal in line item 113-140-1456-0497; $112,500 in Housing Development Program-Loan principal in line item 117-140-1458-0497, and

WHEREAS, all of the HOME funds should have been budgeted in fund 117, the Home Fund, this transaction adjusts the budget for proper expenditure and accounting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments are hereby approved:

CDBG Fund (113)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
113-140-1456-0497	Loan Principal Payout	($500,000)

HOME Fund (117)

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
117-140-1458-0497	Loan Principal Payout	$500,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Cogdill, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-559

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT OF $15,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Center for Senior Employment/Senior Aides Program for a grant of $15,000 under the Community Development Block Grant Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **,** 19 93 **, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-560

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FAMILY SERVICE AGENCY - FIRST STEP PROGRAM FOR A GRANT OF $20,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Family Service Agency - First Step Program for a grant of $20,000 under the Community Development Block Grant Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **,** 19 93**, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-561

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HAVEN WOMEN'S CENTER OF STANISLAUS COUNTY FOR A GRANT OF $20,727 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Haven Women's Center of Stanislaus County for a grant of $20,727 under the Community Development Block Grant Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **, 19** 93**, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-562

A RESOLUTION AUTHORIZING AN APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) TO CERTIFY THE CITY OF MODESTO FOR "REGULATING" RATES.

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application to the Federal Communications Commission (FCC) to certify the City of Modesto for regulating rates, for the reason that it would be beneficial to the community to assure that cable rates fall within the limits prescribed by the Federal government,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the Federal Communications Commission (FCC) to certify the City of Modesto for regulating rates for the reason that it would be beneficial to the community to assure that cable rates fall within the limits prescribed by the Federal government.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

09/29/93

OPON13NG/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-563

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY L. WEDEL AND THE PRESCOTT ESTATES HOMEOWNERS' ASSOCIATION TO LOCATE A MODESTO POLICE DEPARTMENT SUBSTATION AT 2309 PRESCOTT ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jerry L. Wedel and the Prescott Estates Homeowners' Association to locate a Modesto Police Department substation at 2309 Prescott Road

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-564

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE BOULEVARD PARTNERS FOR A MODESTO POLICE DEPARTMENT SUBSTATION AT 3121 YOSEMITE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Boulevard Partners for a Modesto Police Department substation at 3121 Yosemite Boulevard

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th **day of** September **,** **19** 93**, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Friedman **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-565

Print

A RESOLUTION ADOPTING A POLICY FOR ART IN PUBLIC PLACES

WHEREAS, it is felt that encouraging art in public places will provide a method of expressing the "cultural and aesthetic elements" of Modesto's heritage and character; and

WHEREAS, at its August 23, 1993 meeting, the Culture Commission recommended that the City Council establish a policy for Art in Public Places in Modesto, encouraging commercial and private property owners to include art in the planning and construction of any remodeling and new development projects.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Art in Public Places, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY COUNCIL POLICY

SUBJECT: Art in Public Places

Purpose:

The appearance of the City of Modesto should reflect cultural and aesthetic elements in all planning, layout and building undertaken pursuant to its zoning and construction laws.

Background:

Recognizing and acknowledging that the cultural arts enrich our lives and provide us with a deep sense of enjoyment and fulfillment, a public art program for public and private property owners and project/development proponents should be established so that the arts are included in their planning and execution. The program should be unique to Modesto and increase the understanding and appreciation of art by Modesto residents. The program should provide unusual and challenging employment and artistic opportunities for artists, encourage collaboration between artists and architects and artists and engineers, encourage and support participation that is gender and culturally diverse, support artistic participation on design teams for planning public projects, and encourage a variety of art forms both temporary and permanent.

Policy:

"It is the policy of the City of Modesto to encourage and embrace a public art program for public/private property owners and project/development proponents that includes the arts in their planning and execution."

The above policy statement should be a part of every City bid package and permit application.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-566

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REHABILITATING SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE

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

SECTION 1. The specifications for rehabilitating sewer lift stations - Mueiel Avenue, Maze Boulevard and Mark Randy Place , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 4, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October 1993 , by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-567

Print

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY AGEE CONSTRUCTION, CONTRACTOR ON THE CLAUS ROAD BRIDGE WIDENING PROJECT

WHEREAS, the City of Modesto has contracted with Agee Construction for the Claus Road bridge widening project; and

WHEREAS, Agee Construction , the prime contractor, has requested approval to substitute Penhall, Inc. for the listed bridge demolition/removal sub-contractor; and

WHEREAS, a letter was received from the listed subcontractor, Vickers Concrete Sawing, requesting release from the contract and consenting to the substitution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Penhall, Inc., as subcontractor for the bridge demolition/removal work, replacing Vickers Concrete Sawing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-568

A RESOLUTION SUPPORTING THE PASSAGE OF PROPOSITION 170 ON THE NOVEMBER 1993 BALLOT, WHICH WOULD PROVIDE THE PASSAGE OF LOCAL SCHOOL BONDS BY A MAJORITY OF THE LOCAL VOTERS.

WHEREAS, Proposition 170 would provide a change in the California law from a 2/3 voting requirement to a majority vote for the passage of local school bonds, and

WHEREAS, representatives of the Modesto City School District and the Building Industry Association have requested Council consideration of this item, and

WHEREAS, the State of California is only one of four states that require a 2/3 vote for issuance of local school bonds, and

WHEREAS, Proposition 170 would provide for a simple majority for not only school bonds for new construction, but for issuance of bonds for modernization, technology upgrades, air conditions and other site improvements critical to advancement of education programs, and

WHEREAS, Proposition 170 has the support of the Economic Development Community and Intergovernmental Relations Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the passage of Proposition 170 on the November 1993 Ballot to provide a change in the California law from a 2/3 voting requirement to a majority

vote for the passage of the issuance of local school bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

10/05/93 OP0N143O/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-569

Print

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Traffic Technician

Workers' Compensation Claims Examiner

The specifications for the classification of Traffic Technician (Range 116), as shown on the attached Exhibit "A", and Workers' Compensation Claims Examiner (Range 420), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Parking And Traffic Superintendent

Parking Meter Worker

Workers' Compensation Claims Representative

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

10/05/93 OP0N13K7/lk

WORKERS' COMPENSATION CLAIMS EXAMINER

DEFINITION

To perform claims adjusting work in support of the City's self-administered Worker's Compensation program; and to provide technical assistance to the Risk Management Office.

SUPERVISION RECEIVED AND EXERCISED

Receives direct supervision from higher level supervisory and management staff.

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

Review a variety of reports to determine proper action under workers' compensation laws and regulations, including accident and injury.

Adjust Workers' Compensation claims in accordance with applicable laws and regulations.

Establish and maintain monetary reserves to cover medical costs and project compensation costs.

Initiate and review all payments on workers' compensation claims, including temporary disability and permanent disability payments in accordance with applicable laws and regulations.

Perform periodic review of assigned Workers' Compensation claims to assure proper and timely payments.

Respond to questions from injured workers, physicians, attorneys, insurance claims representatives, and others regarding assigned Workers' Compensation claims.

Contact public agencies, insurance adjusters, attorneys, claimants and City staff to obtain and provide claims information in the Workers' Compensation area.

Conduct special surveys and projects; analyze information and prepare various City, State and Federal reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Workers' Compensation laws and benefit administration.

Basic principles of statistics and mathematics.

City, State and Federal record keeping procedures.

Knowledge of (Continued):

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Ability to:

Analyze and interpret a variety of medical and legal documents, procedures, policies, rules and regulations.

Respond to the public tactfully and courteously.

Prepare permanent disability rating estimates.

Prepare clear and concise reports.

Maintain confidential records.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Two years of experience in the adjustment and evaluation of workers' compensation claims or a closely related field.

Training:

Equivalent to completion of the twelfth grade, supplemented by college or university level course work in insurance, business administration, or a closely related field.

License or Certificate

A State of California certification of competency in self-insurance claims administration is desirable.

TRAFFIC TECHNICIAN

DEFINITION

To perform a variety of semi-skilled repair work in the maintenance of City parking meters, ticket dispensers, traffic counters and associated equipment; to collect parking meter and ticket dispenser money; and to perform traffic counts.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from an Associate Traffic Engineer.

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

Participate in the maintenance and repair of parking meters, ticket dispensers, traffic counters and related equipment.

Set up traffic counter; count traffic as per master sheet and special projects.

Collect parking meter and ticket dispenser money; deposit in bank.

Run traffic counter tapes through tape counting machine; calculate total vehicles and hourly totals.

Order and maintain inventory of parts for parking meters, ticket dispensers and traffic counters.

Maintain service truck, office and shop area in clean condition.

Prepare daily activity report and time sheet.

Report and record any vandalism or damage to meters, ticket dispensers, and counters.

Maintain records related to meter repair and maintenance.

Use and operate hand and power tools.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in parking meter, ticket dispenser and traffic counters maintenance and repair activities.

User of traffic counters.

Knowledge of: (Continued)

Basic mathematical principles.

Safe work practices.

Basic mechanics and electronics.

Ability to:

Perform semi-skilled maintenance and repair on parking meters, ticket dispensers and traffic counters.

Operate necessary equipment.

Evaluate problems and correct.

Keep records and make reports.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work in confined areas.

Make accurate arithmetic computations.

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

One year of responsible maintenance and repair experience.

Training:

Completion of formal or informal training at a level which provides the ability to read and write at a level required by the job.

License or Certificate

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-570

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 ENTITLED, IN PART, "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 91-724 TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, and 93-127, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective October 5, 1993," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" abolishes the class specifications for Parking & Traffic Superintendent (Range 441) and for Workers' Compensation Claims Representative (Range 420) and adds class specifications for Workers' Compensation Claims Examiner (Range 420).

SECTION 2. AMENDMENT TO RESOLUTION NO. 91-724. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 26, 1991, which is attached to Resolution No. 91-724, is hereby amended as shown on the amended Exhibit "A" entitled, "City Of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 1993," which is attached hereto and made a part hereof as though set forth in full. Said amended Exhibit "A" abolishes Parking Meter Worker (Range 116) from the Class Range Table and adds Traffic Technician to the Class Range Table at Salary Range 116.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

10/05/93 OP0N13KQ/lk

EXHIBIT G

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

Effective October 5, 1993

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	

EXHIBIT G

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

Effective October 5, 1993

RANGE	TITLE
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Budget Analyst

EXHIBIT G

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

Effective October 5, 1993

RANGE	TITLE
432	Plant Mechanic Supervisor
	Recreation Supervisor II
	Historical Buildings Supervisor
	Senior Accountant
	Youth Program Supervisor
	Industrial Waste Supervisor
433	Assistant Civil Engineer
	Laboratory Supervisor
	Assistant Traffic Engineer
434	Senior Programmer Analyst
	Electrical Supervisor
	Assistant Equipment Maint. Supt.
	Engineering Systems Manager
	Sr. Housing Rehab. Specialist
	Public Works Supervisor II
	Secondary Treatment Site Supv.
	Parks Maintenance Supervisor II
	Events Coordinator
	Operations Supervisor
	Landscape Designer
	Arborist
	Trees Maintenance Supv. II
	Land Surveyor
	Equipment Maintenance Supervisor II
435	Management Analyst
	Deputy City Attorney I
	Senior Personnel Analyst
	Public Information Officer
	Budget Officer
	Financial Analyst
	Administrative Services Officer
	Integrated Waste Specialist
436	Senior Planner
	Parks Construction Supervisor II
437	Property Agent

EXHIBIT G

CITY OF MODESTO

CLASS RANGE TABLE

MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 5, 1993

RANGE	TITLE
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Principal Accountant Purchasing Officer
441	Community Development Program Manager Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parks Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent Fleet Manager Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer

EXHIBIT G

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

Effective October 5, 1993

RANGE	TITLE
	Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective October 5, 1993

RANGE	TITLE
103	Administrative Clerk I Printing Services Operator I
104	
105	
106	
107	Printing Services Operator II Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective October 5, 1993

RANGE	TITLE
115	Accounting Technician
	Planning Technician I
	Wastewater Treatment Plant Attendant
	Community Service Officer
	Assistant to the Events Coordinator
116	Code Enforcement Officer II
	Equipment Operator
	Fire Prevention Technician I
	Meter Reader/Repair Worker
	Motor Sweeper Operator
	Traffic Technician
	Traffic Painter
	Traffic Sign Worker
	Water Line Worker
117	Electrical Technician II
	Storm Water Inspector
118	Tree Trimmer
	Senior Storeskeeper
	Street Trees Crewleader
	Parking Lot Maintenance Crewleader
	Parks Crewleader
119	Maintenance Mechanic - Parks
	Planning Technician II
	Maintenance Mechanic - Pumps
	Wastewater Treatment Plant Operator
	Civil Engineering Technician I
	Building Maintenance Mechanic
	Police Administrative Assistant

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective October 5, 1993

RANGE	TITLE
120	Welder/Fabricator
	Senior Equipment Operator
	Fire Prevention Technician II
	Equipment Mechanic
	Assistant Electrician
	Traffic Painter Crewleader
	Accountant I
	Assistant Lab Technician
121	
122	Coach Mechanic
	Fire Equipment Mechanic
	Tree Trimmer Crewleader
	Programmer Analyst I
	Industrial Waste Inspector I
	Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator
	Maint. Mech. Crewleader - Pumps
	Civil Engineering Technician II
	Maint. Mech. Crewleader - Parks
124	Plant Mechanic
	Laboratory Technician
	Equipment Mechanic Crewleader
	Planning Assistant
	Equipment Crewleader
	Community Development Program Specialist
125	Crime Analyst

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective October 5, 1993

RANGE	TITLE
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 93-571

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND G.S. DODSON & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF THE THOUSAND OAKS SANITARY SEWER LIFT STATION RECONSTRUCTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and G.S. Dodson & Associates, Inc. to provide engineering services for the design of the Thousand Oaks sanitary sewer lift station reconstruction project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-572

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR GILTON SOLID WASTE MANAGEMENT, INC. REQUESTING RENEWAL OF LICENSE TO COLLECT GARBAGE, RECYCLABLES, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 26, 1993 **, at** 4:00 **P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of** Gilton Solid Waste Management, Inc. requesting renewal of license to collect garbage, recyclables, industrial garbage and salvageable waste in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th **day of** October**, 19**93**, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Bird**, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-573

A RESOLUTION ESTABLISHING A REGISTRATION FEE FOR CONVICTED ARSON OFFENDERS, NARCOTICS OFFENDERS AND SEX OFFENDERS RESIDING IN THE CITY OF MODESTO.

WHEREAS, Section 457.1 of the Penal Code of the State of California requires the registration of convicted arson offenders, and

WHEREAS, Section 11590 of the Health and Safety Code of the State of California requires the registration of convicted narcotics offenders, and

WHEREAS, Section 290 of the Penal Code of the State of California requires the registration of convicted sex offenders, and

WHEREAS, these registration requirements are mandated, and previous to May 1, 1993, were being met by the Stanislaus County Sheriff's Office, and

WHEREAS, the Stanislaus County Sheriff's Office has elected to shift this responsibility to local police departments, and

WHEREAS, City staff has recommended establishing a fee in the amount of $25.00 for the registration of each convicted arson offender, narcotics offender and sex offender to cover costs incurred in registering these criminal offenders, and

WHEREAS, the proposed fee has been reviewed and approved by the City's internal Fees Task Force Committee at its July 8, 1993, meeting, and

WHEREAS, the Council has introduced Ordinance No. 2869-C.S. on October 12, 1993, concurrently with the adoption of this resolution adding Chapter 13 to Title IV of the Modesto Municipal Code which will provide for the Council to

establish said registration fees by resolution adopted by the Council from time to time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee in the amount of $25.00 is hereby established for the registration of each convicted sex offender, arson offender or narcotics offender to cover costs incurred in the registration process of said offenders.

BE IT FURTHER RESOLVED that the Modesto Police Department shall not refuse to register an offender based on the inability of said offender to pay the required fee. Persons not able to pay the required registration fee may be referred to a collection agency.

BE IT FURTHER RESOLVED that this resolution shall not become effective until the effective date of ordinance No. 2869-C.S. which was introduced on October 12, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-574

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(498). (PAUL AND DEAN HOLTZCLAW)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Paul and Dean Holtzclaw on August 19, 1993, to reclassify from Planned Development Zone, P-D(457), to Planned Development Zone, P-D, to allow de facto zero-lot-line single-family detached homes, property located on the south side of Algen Avenue and west of Crows Landing Road, described as follows:

P-D(457) to P-D(498)

All that certain real property situate in the southeast quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the Southeast corner of Parcel 3 as shown on the map filed in Book 30 of Parcel Maps, at Page 84, Stanislaus County Records; thence North 0° 02 00" East on the East line of said Parcel 3, a distance of 120.00 feet to the present South line of 60-foot wide Algen Avenue; thence continuing on said East line North 0° 06 24" East, 30.00 feet to the centerline of said Algen Avenue; thence South 89° 19 05" East on the centerline of Algen Avenue 360.00 feet; thence South 0° 02 00" West, 150.00 feet to the South line of the Northeast quarter of the Southeast quarter of said Section 8; thence North 89° 19 05" West, on said South line 360.00 feet to the POINT OF BEGINNING of this description.

and

WHEREAS, after a public hearing held on September 20, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-37, that

rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed rezone from P-D(457) to a new P-D(498) for single-family homes is in accordance with community objectives as set forth in the General Plan, which provides up to 14 units per net acre.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated July 21, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on October 12, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Paul and Dean Holtzclaw for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-37 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2870-C.S. on the 12th day of October, 1993, reclassifying the above-described property from Planned Development Zone, P-D(457), to Planned Development Zone, P-D(498).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(498), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Algen Gardens" as amended in red, stamped approved by the Planning Commission on September 20, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Seven-foot-high, double-board, wood fence with decorative masonry pilasters or unexposed metal supports posts at 16 foot on centers along the west, south, and east property lines of the project periphery.

   b. Seven-foot-high, solid double-board, wood fence around all private patio areas except the fences with the 15-foot front setback may be a minimum height of five feet.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. All common driveway areas shall be constructed in concrete to a 40-year standard as approved by the Director of Public Works and Transportation.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash cans shall be screened from view from any public street and may not be located in the garage.

11. All utilities shall be underground and cable television service shall be stubbed into all units.

12. The developer shall, in a manner approved by the City Attorney, provide a reciprocal access easement for the three shared driveways. Said easement shall provide provisions for maintenance.

13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

14. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

16. Sales of at least six units shall be limited to households with income levels no greater than the low-income category. Sales of the remaining seven units shall be limited to households with income levels no greater than moderate-income level category. Low-income households are those who earn between 50% and 80% of the area median income. Moderate-income households are those who earn between 80% and 120% of the area median income. Median income is set by the Housing and Urban Development Department. This provision applies to the first sale of each unit.

The developer shall provide a copy of all appropriate closing documents indicating household income levels to the Community Development Program Office (CDPO). Prior to the issuance of the eighth building permit for a dwelling unit in this project, the developer shall demonstrate to the CDPO substantial compliance with the specified affordable housing plan listed above. Failure to satisfactorily comply with the affordable housing plan for this project shall be grounds to deny subsequent building permits. The developer shall continue to report to the CDPO until all units are sold.

17. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(498):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 1995, and completion to be not later than September 20, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(498), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Planning and Community Development

MODESTO CITY COUNCIL
RESOLUTION NO. 93-575

Print

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(457) TO P-D(498). (PAUL AND DEAN HOLTZCLAW)

WHEREAS, on July 21, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 8-4-9 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(457), to Planned Development Zone, P-D(498), property located on the south side of Algen Avenue and west of Crows Landing Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Roland R. Stevens Asst.
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-576

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS TO PROVIDE ENGINEERING SERVICES FOR THE UPDATING OF PROJECT DEFINITIONS AND COST ESTIMATES FOR CAPITAL FACILITIES FEE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lew-Garcia-Davis to provide engineering services for the updating of project definitions and cost estimates for Capital Facilities Fee Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th **day of** October **,** 1993 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-577

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $69,360.00 FROM CONTINGENCY RESERVE TO PROVIDE FUNDS TO UPDATE PROJECT DESCRIPTION AND COST ESTIMATES FOR THE CITY' CAPITAL FACILITIES FEE PROGRAM

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

FROM:	Contingency Reserve:	$69,360.00
TO:	Various Project accounts:	$69,360.00

The appropriation transfer is necessary to provide funds to update project descriptions and cost estimates for the City's Capital Facilities Fee Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th **day of** October **,** 19 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-578

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $25,000 TO PAY FOR DRILL RIG OPERATIONS IN REPAIRING PROBLEM ROCKWELL STORM DRAINS

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

FROM:	Storm Drain Monitoring Station (628-480 D330)	$25,000
TO:	Outside Services (628 480 5312 0235)	$25,000

This transfer provides for drilling 40 problem rockwell storm drains before next winter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th **day of** October **, 19** 93**, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-579

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR A GRANT OF $12,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for a grant of $12,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th **day of** October **, 19** 93**, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-580

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF SUITE H AT COOK MARKETPLACE FOR MUSEUM STORAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Theodore M. Cook for lease of Suite H at Cook Marketplace for Museum storage

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

11

MODESTO CITY COUNCIL
RESOLUTION NO. 93-581

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH ANDERSEN & ASSOCIATES FOR AUDITING THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Andersen & Associates for auditing the Police Department

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

//

MODESTO CITY COUNCIL
RESOLUTION NO. 93-582

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND ARROYO SECO ASSOCIATES FOR AUDITING THE PARKS AND RECREATION DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arroyo Seco Associates for auditing the Parks and Recreation Department

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Freidman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-583

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF VERA GIROLAMI FROM THE COMMUNITY QUALITIES COMMITTEE

WHEREAS, Vera Girolami was appointed a member of the Community Qualities Committee September 22, 1992; and

WHEREAS, Vera Girolami has tendered her resignation from the Community Qualities Committee, effective October 12, 1993.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Vera Girolami from the Community Qualities Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Vera Girolami for her service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-584

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(497). (RICHARD NEAULT)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Richard Neault on July 7, 1993, to reclassify from General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to Planned Development Zone, P-D, to allow a senior housing and residential care facility, property located on the east side of McHenry Avenue between Hintze and Helen Avenues, described as follows:

P-D(219) to P-D(497)

All that certain real property situate in a portion of the Southwest Quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southwest corner of said Section 21; thence North 0° 56 00" West 1,046.54 feet along the West line of said Section 21 to the Westerly extension of the South line of 60-foot wide Hintze Avenue; thence North 88° 57 00" East 238.00 feet along said South line to the POINT OF BEGINNING of this description; thence continuing along said South line of Hintze Avenue North 88° 57 00" East 198.58 feet; thence North 80° 57 00" East 56.97 feet along said South line; thence South 0° 39 00" East 109.02 feet; thence South 22° 41 00" East 62.69 feet; thence South 89° 34 00" East 146.71 feet to the West line of the 10-foot abandoned alley adjoining Block 621 of the Amended Map of Leslie Hugh Tract; thence South 0° 54 00" East 95.00 feet along said West line; thence North 88° 55 00" West 421.14 feet more or less; thence North 0° 56 00" West 245.28 feet, more or less to the end of this description.

Including the Southerly 30 feet of Hintze Avenue immediately adjacent to the above described property.

C-2 to P-D(497)

Commencing at the Southwest corner of said Section 21; thence North 0° 56 00" West 1,046.54 feet along the West line of said Section 21 to the Westerly extension of the South Line of 60-foot wide Hintze Avenue; thence North 88° 57 00" East along said extension Easterly 40.00 feet to the Southeast corner of 80.00-foot wide McHenry Avenue and said Hintze Avenue and the POINT OF BEGINNING of this description; thence continuing along said South line of Hintze Avenue North 88° 57 00" East 198.00 feet; thence leaving said South line of Hintze Avenue South 0° 56 00" East 251 feet more or less; thence North 88° 55 00" West 6.00 feet; thence South 0° 56 00" East 110.00 feet to the North line of 60.00-foot wide Helen Avenue; thence along said North line Westerly 192.01 feet to the East line of said McHenry Avenue; thence along said East line North 0° 56 00" West 355.28 feet to the point of beginning of this description.

Including the East 40.00 feet of 80.00-foot wide McHenry Avenue, South 30.00 feet of 60.00-foot wide Hintze Avenue, and North 30.00 feet of 60.00-foot wide Helen Avenue and all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on September 20, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-39, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone will conform to the General Plan is contributing to the variety of housing types in the East McHenry neighborhood by providing units for the elderly in a residential neighborhood setting.

2. The elderly housing facility is located along a bus route, and near essential private and public services.

3. The approved plot plan, along with required fencing and conditions of approval will assure this elderly housing complex will be compatible with adjacent residential uses.

and

WHEREAS, after a public hearing held on October 26, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Richard Neault for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-39 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2871-C.S. on the 26th day of October, 1993, reclassifying the above-described property from General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to Planned Development Zone, P-D(497).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(497), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Sundial Lodge - Senior Housing and Residential Care" as amended in red, stamped approved by the Planning Commission on September 20, 1993.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south, east, and northeast property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Matching eight-foot-high decorative masonry wall along the south, east and northeast property lines.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication along McHenry Avenue to provide 55 feet east of centerline shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area. Prior to occupancy of the new use, the applicant shall remove the most southerly curb cut onto McHenry Avenue as required by the Public Works and Transportation Director.

6. Street improvements consistent to Standard Specifications along Helen and Hintze Avenues shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

11. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials

shall be provided as approved by the Public Works and Transportation Director.

12. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

13. All signs shall comply with the sign requirements of the C-2 Zone.

14. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(497):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 1995, and completion to be not later than September 20, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(497), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Planning and Community Development

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-585

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM C-2 AND P-D(219) TO P-D(497). (RICHARD NEAULT)

WHEREAS, on August 11, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from General Commercial Zone, C-2, and Planned Development Zone, P-D(219), to Planned Development Zone, P-D(497), property located on the east side of McHenry Avenue between Hintze and Helen Avenues might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-586

A RESOLUTION ESTABLISHING PREFERENTIAL PARKING PERMIT PRIVILEGES TO ALLOW CLIENTS OF BEAUTY SALONS TO PARK BEYOND THE TIME LIMIT ON STREETS WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT BOUNDARY AND ESTABLISHING A FEE FOR SAID PERMIT.

WHEREAS, Section 22507 of the California Vehicle Code provides, in part, that local authorities may, by resolution, regulate parking of vehicles on streets within their jurisdictions, and may include a designation of certain streets upon which preferential parking privileges are given to merchants adjacent to the streets for use of their guests, under which merchants may be issued permits which exempt them from the prohibition or restriction of the resolution, and

WHEREAS, the Community Development and Housing Committee has recommended proceeding on a trial basis with establishing a permit program to allow clients of beauty salons to park beyond the time limit on streets within the Downtown Improvement District boundary, and

WHEREAS, the City Council desires to implement said preferential parking permit program as recommended on a trial basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby approve on a trial basis a preferential parking permit program to allow clients of beauty salons to park beyond the time limit on streets within the

Downtown Improvement District boundary, subject to the following:

SECTION 1. PREFERENTIAL PARKING PERMITS. Permits shall be made available at the City of Modesto Finance Department for a fee in the amount of $25.00 for each permit obtained by qualifying beauty salons located adjacent to City streets in the downtown area for the sole use of their customers.

SECTION 2. PREFERENTIAL PARKING PERMIT TIME LIMITS. Said permits shall allow beauty salon clients to park four (4) hours anywhere within a one (1) or two (2) hour parking time zone within the Downtown Improvement District boundary.

SECTION 3. MAXIMUM NUMBER OF PERMITS. The maximum number of permits a beauty salon may obtain are equivalent to the maximum number of work station chairs existing in each beauty salon requesting such permits.

SECTION 4. TERM OF PREFERENTIAL PARKING PERMIT. Such permit shall be good for a term of one (1) year.

SECTION 5. EFFECTIVE AND TERMINATION DATES: Said permit program is intended to be for a six-month trial period commencing on the effective date of this resolution. At the end of this six-month trial period, staff will provide a report to the Council. The permits will remain valid until Council makes a final decision on making the permits permanent or terminating them.

SECTION 6. PRO-RATED PERMIT FEE. Inasmuch as this resolution shall terminate in six months, preferential parking

permits may be obtained at a pro-rated fee of $11.50 each for a six (6) month period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

AMENDED
on Mar. 22, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 93-587A

Print

A RESOLUTION ESTABLISHING FILING FEES FOR APPLICATIONS FOR ABANDONMENT OR VACATION OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS AND RESCINDING RESOLUTION NO. 90-922.

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

1. A filing fee of $865.00 for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement except public walkways is hereby established.

2. A filing fee of $145.00 for each application filed with the City of Modesto for vacation and abandonment of a public walkway is hereby established.

3. Said filing fee shall be paid at the same time as the application for vacation or abandonment is filed, except that public agencies shall be exempt from such fees.

4. All requests for abandonment shall be made to the Council, which will refer the request to the Planning Commission. Following a public hearing, the Planning Commission will make a recommendation to the Council which will also hold a public hearing and consider the request.

5. In the event staff determines that a title report is required, it shall be furnished by the applicant prior to consideration by the Planning Commission.

6. A filing fee of $435.00 is hereby established for each application filed with the City of Modesto for vacation and abandonment of a public right-of-way or easement where such application is a rehearing of a previous application and it is determined by the Director of Planning and Community Development that the application will not require further Planning Commission action or other substantial staff work as required for the original application.

BE IT FURTHER RESOLVED that Resolution No. 90-922 is hereby rescinded.

BE IT FURTHER RESOLVED that this resolution becomes effective sixty (60) days after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs

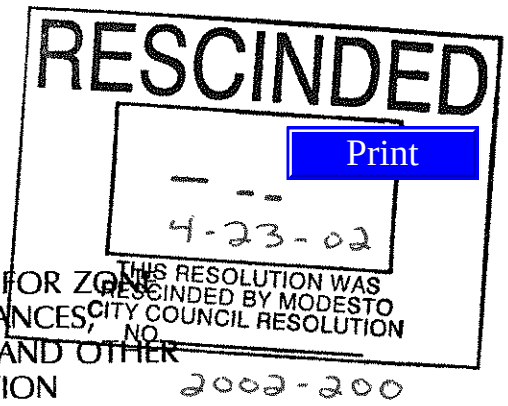
ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 93-587

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES, USE PERMITS, VARIANCES, ENVIRONMENTAL REVIEW, SUBDIVISIONS, AND OTHER APPLICATIONS, AND RESCINDING RESOLUTION NO. 92-367.

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.2605, 10-2.2703 and 10-2.2803 of the Modesto Municipal Code provide that the Council by resolution, shall establish filing fees for each application filed pursuant to Chapter 2 of Title X of said Code, and

WHEREAS, Sections 4-10.01 et seq. of the Modesto Municipal Code and the "Guide to CEQA Procedures for the City of Modesto" permit charges for environmental review, and

WHEREAS, Fish and Game Code Section 711.4 requires payment of "filing fees" to the State Department of Fish and Game of $850.00 for EIRs and $1,250.00 for Negative Declarations, upon filing the Notice of Determination, and

WHEREAS, in accordance with existing legislation, the County Clerk-Recorder is empowered to collect an administrative fee for filing of all Notices of Determination, and

WHEREAS, pursuant to Section 753.5, Title 14, of the California Code and Regulations, if the lead agency (as defined by Section 21067 of the Public Resources Code) finds that, considering the record as a whole a project involves no potential for adverse effect, either individually or cumulatively on wildlife (as defined by Section 711.2 of the Fish and Game Code), no fee is required, and

WHEREAS, there are seven instances where the State Department of Fish and Game finds that filing fee exemptions can be made, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the fee schedule as shown on the attachment marked Exhibit "A" and incorporated hereby reference, to include the State Department of Fish and Game Filing Fees and the County Clerk-Recorder Administrative Fee for filing Notices of Determination.

BE IT FURTHER RESOLVED that the criteria to exempt certain projects from State Department of Fish and Game Filing Fees is hereby adopted as shown on the attachment marked Exhibit "B" and incorporated herein by reference.

BE IT FURTHER RESOLVED that City Council Resolution No 92-367 is hereby rescinded.

BE IT FURTHER RESOLVED that this resolution becomes effective sixty (60) days after its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

(a)	P-D Zoning	$1,105.00
(b)	Amend P-D Zone pursuant to Sec. 10-2.1709(b)	$1,105.00
(c)	Amend P-D Zone pursuant to Sec. 10-2.1709(a)	$795.00
(d)	Rezoning	$1,000.00
(e)	Plot Plan Review	
	• For a satellite antenna for a single-family house	$135.00
	• For a second-story addition to a single-family house	$230.00
	• All other plot plan reviews	$550.00
(f)	Conditional Use Permit	$795.00
(g)	Variance	
	• On a lot with a single family house in the R-A, R-1, R-2 or R-3 zone	$205.00
	• All others	$845.00
(h)	Administrative Approval of Revised Plans	20% of Application Fee
(i)	Letter of Verification - Zoning	$30.00
(j)	Precise Plan	$1,590.00
(k)	Development Agreement	$940.00
	• If done in conjunction with Precise Plan	$865.00
(l)	Tentative Subdivision Map	$730.00
(m)	Tentative Parcel Map	$660.00
(n)	Reversion to Acreage	$555.00
(o)	Parcel Map Waiver	$555.00
(p)	Lot Line Adjustment	$140.00
(q)	Time Extension	$125.00

(r)	Environmental Assessment	
	• Initial study	
	1. City Processing Fee	$485.00
	2. County Clerk-Recorder Administrative Fee	$50.00
	3. State Department of Fish and Game Filing Fee	$1,250.00
	• Environmental Impact Report	
	1. Reimbursement of Consultant Costs	Actual Cost of Consultant Contract
	2. City Processing Costs	Actual Staff Costs (initial deposit of $3000 required)
	3. State Department of Fish and Game Filing Fee	$850.00
	• Staff evaluation of special studies	$475.00
(s)	Appeals	
	• Of Planning Commission of Board of Zoning Adjustment	$100.00
	• Of administrative decisions	$100.00
(t)	Annexation	$540.00 plus State Board of Equalization Fee
(u)	Documents	
	• Planning Commission Minutes	$30.00/year
	• Planning Commission Agendas	$46.00/year
	• Board of Zoning Adjustment Minutes	$20.00/year
	• Board of Zoning Adjustment Agendas	$20.00/year
	• Other Reports and Documents, as Established by the Planning and Community Development Director from time to time	
(v)	General Plan Amendment	Actual Cost $3000 Deposit

EXHIBIT "B"

Criteria for Exemption of
State Department of Fish and Game Filing Fees

The City of Modesto has determined that the following projects are exempt from payment of the State Department of Fish and Game Filing Fees:

1. Projects which enhance fish and wildlife, and their habitats and result in no accompanying adverse impacts to fish and wildlife.

2. Lot line adjustments.

3. Building remodeling.

4. Annexations.

5. Redevelopment on existing urban subdivisions with no wildlife habitat.

6. Infill of undeveloped urban lots which are within the current sewer service area and outside the current 100 year floodplain as defined by the Federal Emergency Management Agency (FEMA).

MODESTO CITY COUNCIL
RESOLUTION NO. 93-588

A RESOLUTION APPROVING AN AMENDMENT TO THE SPECIFIC PLAN FOR VILLAGE ONE TO MOVE THE MULTI-FAMILY DESIGNATION FROM SOUTH OF MERLE AVENUE TO THE NORTH SIDE IN RELATION TO THE APPEAL FILED BY ART MARTIN AND ASSOCIATES.

WHEREAS, the City Council adopted Resolution No. 90-828A on October 16, 1990, which adopted the Specific Plan for Village One, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, and

WHEREAS, Art Martin and Associates proposes to develop a 96-lot 15.27 acre single-family subdivision called Charleston Place, the first development proposed under the Village One Specific Plan adopted by the Council in October 1990, and

WHEREAS, a public hearing was held by the Planning Commission on October 4, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Planning Commission found and determined that an amendment to the Village One Specific Plan is not required by public necessity, convenience and general welfare and by Resolution No. 93-43 adopted on October 4, 1993, denied the application for an amendment to the Village One Specific Plan filed by Art Martin and Associates, and

WHEREAS, by letter dated October 11, 1993, from

Thompson-Hysell, Inc., on behalf of their client, Art Martin and Associates, an appeal to the decision of the Planning Commission's denial of the application for an amendment to the Village One Specific Plan was filed with the Office of the City Clerk, and

WHEREAS, the proposal of the applicant relating to the requested Specific Plan amendment is for the purpose of relocating the 9.0 acre multi-family designation on the south side of Merle Avenue, immediately east of the proposed Galleria Neighborhood Shopping Center site, to the north side of Merle Avenue extending east from Roselle Avenue, and

WHEREAS, the relocation of multi-family designation is required to allow for a northward expansion of the planned storm water retention basin, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 26, 1993, at 4:00 p.m., and

WHEREAS, the City Council held a duly noticed public hearing on October 26, 1993, at which time and place evidence both oral and written was received and considered, and

WHEREAS, the Council found and determined in Resolution No. 93-589 adopted for that purpose that said appeal to the denial of the requested amendment to the Village One Specific Plan should be granted for the following reasons:

1. The relocation of multi-family residential designation from the south side of Merle Avenue to the North side will allow for reconfiguration of the storm drainage retention basin as determined by the City Engineer.

2. The area on the north side of Merle Avenue to be designated for multi-family development is not as large as the area it replaces so the impacts to the surrounding area would not significantly change.

and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

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

SECTION 1. AMENDMENT TO SPECIFIC PLAN. An amendment to the Village One Specific Plan for the purpose of relocating the 9.0 acre multi-family designation on the south side of Merle Avenue, immediately east of the proposed Galleria Neighborhood Shopping Center site to the north side of Merle Avenue extending east from Roselle Avenue, of which the relocation of multi-family designation is required to allow for a northward expansion of the planned storm water retention basin, is hereby adopted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the amendment to the Village One Specific Plan is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-589

Print

A RESOLUTION GRANTING THE APPEAL OF THOMPSON-HYSELL, INC., ON BEHALF OF ART MARTIN AND ASSOCIATES, TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF CHARLESTON PLACE IN AREA 27 OF VILLAGE ONE, LOCATED ON THE EAST SIDE OF ROSELLE AVENUE, SOUTH OF BELHARBOUR DRIVE, NORTH OF MERLE AVENUE, AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE EIR.

WHEREAS, Art Martin and Associates (Martin) propose to develop a 96-lot 15.27 acre single-family subdivision called Charleston Place, the first development proposed under the Village One Specific Plan, and

WHEREAS, the proposed Charleston Place Subdivision is within a 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, and

WHEREAS, pursuant to subdivision consideration, an application was filed for approval of a Precise Plan for Area 27, including underlying zoning and a development agreement along with the subdivision itself, as required by Section 10-2.1903 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Planning Commission on October 4, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Planning Commission found and determined that approval of the proposed Vesting Tentative Subdivision Map of Charleston Place is not required by public necessity, convenience and general welfare, and by Resolution No. 93-43 adopted on October 4, 1993, denied the application filed by Art Martin and Associates, and

WHEREAS, by letter dated October 11, 1993, from Thompson-Hysell, Inc., on behalf of its client, Art Martin and Associates, an appeal to the decision of the Planning Commission's denial of the application for a Vesting Tentative Subdivision Map for the Charleston Place project was filed with the Office of the City Clerk, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 26, 1993, at 4:00 p.m., and

WHEREAS, the City Council held a duly noticed public hearing on October 26, 1993, at which time and place evidence both oral and written was received and considered, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Hysell-Engineering, Inc., filed on behalf of Martin, to the decision of the Planning Commission denying approval of the application for a Vesting Tentative Subdivision Map for the Charleston Place project, within a 51.8-

acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, should be granted for the following reason and the decision of the Planning Commission should be overruled:

> After the Planning Commission denied the initial application, Martin submitted a revised project which is consistent with the Village One Specific Plan.

and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines,

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and the Village One Specific Plan in the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste as a result of the proposed subdivision the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

BE IT FURTHER RESOLVED by the Council that it hereby finds as follows:

1. That the vesting tentative subdivision map identified herein, the revised precise plan identified herein, and the specific plan amendment relating to the appeal of Thompson-Hysell, on behalf of Art Martin and Associates are all within

the scope of the Village One Specific Plan approved earlier, and,

2. The Village One Program Environmental Impact Report adequately describes the tentative subdivision map, the precise plan and specific plan amendment referred to in the previous subparagraph for the purposes of the California Environmental Quality Act, and,

3. The City Council further finds, pursuant to California Environmental Quality Act guidelines, Section 15162, that no new effects will occur and no new mitigation measures will be required.

BE IT FURTHER RESOLVED by the Council that the appeal of Thompson-Hysell, Inc., on behalf of its client, Art Martin and Associates, to the decision of the Planning Commission denying approval of the Vesting Tentative Subdivision Map of Charleston Place is hereby granted.

BE IT FURTHER RESOLVED that the Vesting Tentative Subdivision Map of the Charleston Place project is within a 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, is hereby approved as revised and as shown in red on the face of the map and subject to the following conditions:

1. Except as amended herein, all development shall be in accordance with the Village One Specific Plan and the specifications contained in the booklets entitled "Village One - Merle Neighborhood Precise Plan - Area 27," prepared for Art Martin and Assoc. by Thompson-Hysell, Inc. dated September 2, 1993, as revised by the City Council and "Charleston Place Development Guidelines" prepared for Art Martin and Assoc. by Thompson-Hysell Inc. dated September 2, 1993, and stamped approved by the City Council on October 26, 1993, as revised,

and on file in the office of the Planning and Community Development Director.

2. a. Prior to recordation of a final map the developer shall submit and obtain approval of landscape and irrigation plans including streetscape/median plans, a mini-park design, the frontage road median along Roselle Avenue, and the traffic circle, as required by the Parks and Recreation Director. All landscaping irrigation, and maintenance shall be in accordance with the approved plans.

   b. Prior to issuance of a building permit for any unit within the townhouse area, the developer shall submit and obtain approval of landscaping and irrigation plans for that portion of the project. All landscaping, irrigation, and maintenance shall be in accordance with the approved plans.

3. Prior to recordation of a final map, the developer shall secure and establish a funding source for both capital improvements and ongoing maintenance of the landscaped areas, including but not limited to, a homeowners association, landscaping and lighting district, Mello-Roos Community Facilities District, or special assessment district.

4. Prior to issuance of a building permit for any structure, the specific building plans and elevations shall be approved by the Planning and Community Development Director or his designee for conformance with those approved plans and elevations and the architectural style and detail called for in the Village One Specific Plan, the PPA 27 Precise Plan and the Charleston Place Development Guidelines as revised.

5. a. Prior to the recordation of a final map, all subdivision dedications and improvements as required in the Modesto Municipal Code, the cumulative California State Subdivision Law, and the Village One Specific Plan shall be accepted by the City of Modesto and installed or secured to the satisfaction of the Public Works and Transportation Director. This condition shall include street requirements to implement the appropriate mitigation measures 4.4.1 through 4.4.8 of the Village

One Program Environmental Impact Report. This shall also include Public Services and Utilities necessary to implement the appropriate mitigation measures 4.10 through 4.10.14c.

b. With respect to Belharbour Drive, prior to recordation of a final map, the developer shall complete, or secure the construction thereof to the satisfaction of the Public Works and Transportation Director, the south side frontage improvements up to and including the median curbs. Prior to recordation of a final map for any unit within the small lot "townhouse" portion of the subdivision, or any lot abutting Belharbour Drive, the developer shall complete or secure to the satisfaction of the Public Works and Transportation Director the remainder of the paved portion of the street and median.

6. Prior to recordation of a final map, the developer shall advance the necessary infrastructure costs or shall construct the facilities necessary to extend infrastructure service to the area. If temporary measures are utilized, the developer shall also fund the amount necessary to effect a permanent provision when such can be accomplished. The costs shall be determined by the Director of Public Works and Transportation.

7. Prior to approval of the final map, the City and Developer shall negotiate and execute a development agreement specifying the conditions of the development. The development agreement shall be adopted by ordinance as provided in Modesto Municipal Code Section 10-2.1907.

8. It is anticipated that a portion of the Public Facilities necessary to serve development in Village One will be financed through the formation of an Area of Benefit (AOB) for Village One. This AOB will assign a fair share of certain identified public facility costs needed to serve Village One to each Precise Plan area and ultimately each parcel or lot receiving development entitlements.

   In the event that the AOB for Village One is established prior to the issuance of building

permits for this project, then developer shall pay the AOB assessment for each lot prior to the issuance of each building permit.

In the event that the developer seeks issuance of building permits prior to the establishment of the AOB for Village One, then in lieu of the AOB assessment, developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit. It is the intent of this condition that the developer fully participate by paying his fair share in the Village One Financing Plan. Any fees paid in excess of the actual AOB assessment shall be reimbursed pursuant to the development agreement.

9. Prior to recordation of a Final Map, all improvement plans, prepared by a registered civil engineer shall be prepared and approved. All improvements shall be in accordance with the approved plans.

10. There is a dispute about the extent to which school impacts can be mitigated under current law. Developer contends that current law sets forth a statutory maximum of $2.65 per square foot for each unit of residential housing. City and School districts[1] disagree that this limitation applies to developer's project. Despite this dispute, developer seeks to proceed with the consideration of its project by City. To facilitate developer's request and in light of the uncertainty of the law, the following condition is imposed on developer's project to mitigate the impacts of such project on school districts:

Developer shall pay the per unit or per square foot fee, or be subject to such alternative mitigation program as is subsequently established by the City Council in the Village One Financing Plan. In the event developer seeks the issuance of building permits prior to the establishment of the Village One Financing Plan by the City Council, the developer shall pay into an impound account, maintained by the City for that purpose, an amount per dwelling unit as determined by the City Council after holding a public hearing for that purpose. Any such fees paid in excess of the amounts set forth in the Village One Financing

Plan shall be reimbursed pursuant to the Development Agreement.

Nothing in this condition is intended to preclude or prohibit an interested school district or the developer from bringing any appropriate action against the City, the developer, or interested school district, as the case may be, for the purpose of determining the maximum school impact mitigation allowed under the law.

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[1]Sylvan Union School District and Modesto High School District

11. Public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.

12. Irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.

13. Trash cans shall be screened from view from any public street.

14. Prior to recordation of a final map, the developer shall show on the plans submitted to Engineering all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

16. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, it agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency,

appeal board, or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

17. Prior to recordation of any final map the applicant will submit evidence to the satisfaction of the City Attorney, which indicates an irrevocable commitment to comply with the following mitigation measures:

    4.3.2(a) Views of Mountains/Farmlands; 4.3.3(a) Light and Glare; 4.5.1(a) through 4.5.1(i); Construction Impacts - air quality; 4.5.3(c) Air Quality; 4.6.1(c) Construction Impacts - noise; 4.7.2 Expansive Soils; 4.7.4 Hardpan Soils; 4.10.1 through 4.10.14(c) Public Services; 4.11.1 Fiscal Impacts.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this activity is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-589A

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE PRECISE PLAN FOR AREA 27 VILLAGE ONE.

WHEREAS, the City Council on October 26, 1993, adopted Resolution No. 93-589 which granted the appeal of Hysell-Engineering, Inc., filed on behalf of Art Martin and Associates, to the decision of the Planning Commission denying approval of the application for the 51.8-acre Village One planning area identified as Area 27, located on the east side of Roselle Avenue south of Belharbour Drive, north of Merle Avenue and west of a southwesterly extension of Esta Avenue, and

WHEREAS, the Council has introduced Ordinance No. 2873-C.S. which approved a Precise Plan for Area 27 and underlying zoning for the Charleston Place Subdivision project, amending Section Map 13-3-9 of the Zoning Map of the City of Modesto to rezone from Specific Plan, S-P, to R-1:SP-27 and R-3:SP-27, located in Area 27 of Village One, located on the east side of Roselle Avenue, south of Belharbour Drive, North of Merle Avenue, and

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final EIR is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for the Art Martin Precise Plan for Area 27 as revised and underlying zoning for the Charleston Place Subdivision project for Village One, is hereby approved subject to the following conditions:

1. Except as amended herein, all development shall be in accordance with the Village One Specific Plan and the specifications contained in the booklet entitled "Village One - Merle Neighborhood Precise Plan - Area 27," prepared for Art Martin and Assoc. by Thompson-Hysell, Inc. dated September 2, 1993, as revised by the City Council and stamped approved by the City Council on October 26, 1993, as revised, and on file in the office of the Planning and Community Development Director.

2. Prior to recordation of any final map the developer shall submit and obtain approval of landscape and irrigation plans including streetscape/median plans, a mini-park design, and traffic circles, as required by the Parks and Recreation Director. All landscaping irrigation, and maintenance shall be in accordance with the approved plans.

3. Prior to recordation of any final map, the developer shall secure and establish a funding source for both capital improvement and ongoing maintenance for the landscaped areas, including but not limited to, a homeowners association, landscaping and lighting district, Mello-Roos Community Facilities District, or special assessment district.

4. Prior to the recordation of any final map, all subdivision dedications and improvements as required in the Modesto Municipal Code, the cumulative California State Subdivision Law, and the Village One Specific Plan shall be accepted by the City of Modesto and installed or secured as per the Public Works and Transportation Director. This condition shall include street requirements to implement the appropriate mitigation measures 4.4.1 through 4.4.8 of the Village One Program Environmental Impact Report. This shall also

include Public Services and Utilities necessary to implement the appropriate mitigation measures 4.10 through 4.10.14c.

5. Prior to recordation of any final map, the developer shall advance the necessary infrastructure costs or shall construct the facilities necessary to extend infrastructure service to the area. If temporary measures are utilized, the developer shall also fund the amount necessary to effect a permanent provision when such can be accomplished. The costs shall be determined by the Director of Public Works and Transportation.

6. It is anticipated that a portion of the Public Facilities necessary to serve development in Village One will be financed through the formation of an Area of Benefit (AOB) for Village One. This AOB will assign a fair share of certain identified public facility costs needed to serve Village One to each Precise Plan area and ultimately each parcel or lot receiving development entitlements.

   In the event that the AOB for Village One is established prior to the issuance of building permits for any project, then developer shall pay the AOB assessment for each lot prior to the issuance of each building permit.

   In the event that the developer seeks issuance of building permits prior to the establishment of the AOB for Village One, then in lieu of the AOB assessment, developer shall pay for each lot an amount to be determined by the City Council after holding a public hearing for that purpose prior to the issuance of any building permit.

7. Prior to recordation of any final map, all improvement plans, prepared by a registered civil engineer shall be prepared and approved. All improvements shall be in accordance with the approved plans.

8. Developer shall pay the per unit or per square foot fee, or be subject to such alternative mitigation program as is subsequently established by the City Council in the Village One Financing Plan. In the event developer seeks the issuance of building permits prior to the establishment of

the Village One Financing Plan by the City Council, the developer shall pay into an impound account, maintained by the City for that purpose, an amount per dwelling unit as determined by the City Council after holding a public hearing for that purpose.

Nothing in this condition is intended to preclude or prohibit an interested school district or the developer from bringing any appropriate action against the City, the developer, or interested school district, as the case may be, for the purpose of determining the maximum school impact mitigation allowed under the law.

9. Prior to recordation of any final map the developer will submit evidence to the satisfaction of the City Attorney, which indicates an irrevocable commitment to comply with the following mitigation measures:

4.3.2(a) Views of Mountains/Farmlands; 4.3.3(a) Light and Glare; 4.5.1(a) through 4.5.1(i); Construction Impacts - air quality; 4.5.3(c) Air Quality; 4.6.1(c) Construction Impacts - noise; 4.7.2 Expansive Soils; 4.7.4 Hardpan Soils; 4.10.1 through 4.10.14(c) Public Services; 4.11.1 Fiscal Impacts.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for development within Area 27 of the Village One:

Construction shall start on or before December 1, 1996, and completion shall be by December 1, 2000.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Title 10, Article 19 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects any development shall be accomplished in accordance with and in strict adherence to the provisions of

Title X of the Modesto Municipal Code relating to zonings and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to R-1:SP-27 and R-3:SP-27 becomes effective.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this activity is within the scope of the Village One Specific Plan, and the Program EIR (SCH No. 90020181) for the Village One Specific Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

12/03/93 OP0N1635/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-590

Print

A RESOLUTION ACCEPTING THE BID OF RICKER MACHINERY COMPANY FOR FURNISHING TWO STREET SWEEPERS

WHEREAS, Resolution No. 93-496 , adopted by the Council of the City of Modesto on September 7 , 19 93 , approved the plans and specifications for the purchase of two street sweepers

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two street sweepers

were opened at 11:00 a.m. on October 4, 19 93 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Ricker Machinery Company in the amount of $217,588

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richer Machinery Company in the amount of $217,588 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October , 19 93 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
CITY CLERK, Norrine Coyle

MODESTO CITY COUNCIL
RESOLUTION NO. 93-591

Print

A RESOLUTION ACCEPTING THE BID OF GLEN WILSON TRUCKING FOR FURNISHING ROCK, SAND AND GRAVEL FOR UP TO THREE YEARS

WHEREAS, Resolution No. 93-297 **, adopted by the Council of the City of Modesto on** May 18 **, 19**93 **, approved the plans and specifications for** the purchase of rock, sand and gravel requirements for up to three years **and authorized the calling for bids; and**

WHEREAS, the bids received for furnishing rock, sand and gravel for up to three years **were opened at** 11:05 a.m. **on** June 7, **19**93 **, and later tabulated by the Director of** Finance **for the consideration of the Council; and**

WHEREAS, the Director of Finance **has recommended that the bid of** Glen Wilson Trucking

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Glen Wilson Trucking

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th **day of** October **,** **19**93 **, by Councilmember** Friedman**, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-592

Print

A RESOLUTION ACCEPTING THE BID OF CENTRAL READY MIX FOR FURNISHING READY-MIX CONCRETE REQUIREMENTS FOR UP TO THREE YEARS

WHEREAS, Resolution No. 93-296, adopted by the Council of the City of Modesto on May 18, 1993, approved the plans and specifications for the purchase of ready-mix concrete requirements for up to three years and authorized the calling for bids; and

WHEREAS, the bids received for furnishing ready-mix concrete requirements for up to three years were opened at 11:00 a.m. on June 7, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Central Ready Mix

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Ready Mix

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-593

Print

A RESOLUTION ACCEPTING THE BID OF RJN COMPUTER SERVICES FOR FURNISHING MAINTENANCE MANAGEMENT SOFTWARE SYSTEM

WHEREAS, Resolution No. 93-429 , adopted by the Council of the City of Modesto on July 20 , 1993 , approved the plans and specifications for the purchase of a maintenance management software system for the Wastewater Treatment Plant and authorized the calling for bids; and

WHEREAS, the bids received for furnishing a maintenance management software system for the Wastewater Treatment Plant were opened at 11:00 a.m. on August 9, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of RJN Computer Services in the amount of $51,869 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of RJN Computer Services in the amount of $51,869 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October , 19 93 , by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-594

Print

A RESOLUTION ACCEPTING THE BID OF CAL TRAFFIC FOR FURNISHING STREET NAME SIGN ASSEMBLIES

WHEREAS, Resolution No. 93-295, adopted by the Council of the City of Modesto on May 18, 1993, approved the plans and specifications for the purchase of street name sign assemblies

and authorized the calling for bids; and

WHEREAS, the bids received for furnishing street name sign assemblies

were opened at 11:00 a.m. on June 15, 1993, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Cal Traffic in the amount of $26,000

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cal Traffic in the amount of $26,000

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-595

Print

A RESOLUTION ACCEPTING THE WOODLAND PUMP STATION SLUICE GATE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Woodland pump station sluice gate

has been completed by Conco-West, Inc.
in accordance with the contract agreement dated October 6, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Woodland pump station sluice gate

be accepted from said contractor, Conco-West, Inc.;
that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $115,006.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Freidman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-596

A RESOLUTION ACCEPTING THE ROBERTSON ROAD NEIGHBORHOOD PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Robertson Road Neighborhood Park

has been completed by Grover Landscaping, Inc.
in accordance with the contract agreement dated October 27, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Robertson Road Neighborhood Park

be accepted from said contractor, Grover Landscaping, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $254,774.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-597

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,500 FROM CONTINGENCY RESERVE TO FUND COST OF ROBERTSON ROAD NEIGHBORHOOD PARK

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

FROM:	Parks Fund Contingency Reserve (140 800 8000 8003)	$1,500
TO:	Robertson Neighborhood Park (140 310 C569 6050)	$1,500

Unanticipated overhead costs associated with design and inspection staff time spent on the project caused a shortfall of funds. It is necessary to transfer additional funds to the project account to allow closeout to proceed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th **day of** October **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-598

Print

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE EL VECINO AVENUE - MID LATERAL NO. 4 BRIDGE REPLACEMENT

WHEREAS, Resolution No. 93-476 **, adopted by the Council of the City of Modesto on** August 17 **, 19**93 **, approved the plans and specifications for** the El VEcino Avenue - MID Lateral No. 4 bridge replacement **and authorized the calling for bids; and**

WHEREAS, the bids received for the El Vecino Avenue - MID Lateral No. 4 bridge replacement **were opened at** 11:00 a.m. **on** September 16,**19**93 **, and later tabulated by the Director of** Public Works & Transportation **for the consideration of the Council; and**

WHEREAS, the Director of Public Works & Transportation **has recommended that the bid of** Ross F. Carroll, Inc. in the amount of $223,372.00 **be accepted as the lowest responsible bid.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $223,372.00 **be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th **day of** October **,** 19 93 **, by Councilmember** Friedman, **who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-599

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL, JANIK AND NOVAK TO PROVIDE LEGISLATIVE ADVOCACY SERVICES FOR THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball, Janik and Novak to provide legislative advocacy services for the City of Modesto

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-600

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $22,000 FROM CONTINGENCY RESERVE TO FUND LEGISLATIVE ADVOCACY SERVICES FOR THE CITY OF MODESTO

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

FROM:	Contingency Reserve	$22,000
TO:	Federal Advocacy Services	$22,000

Due to the number of increasing Federal mandates placed on local government, as well as reduction in Federal support for a variety of Federal activities, the Economic Development, Community and Intergovernmental Relations Committee believes that additional advocacy services at the Federal level is warranted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th **day of** October , **19** 93, **by Councilmember** Friedman , **who moved its adoption, which motion being duly seconded by Councilmember** Cogdill , **was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-601

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHAMBER OF COMMERCE TO PROVIDE FUNDING FOR THE CONVENTION AND VISITORS BUREAU OF $181,047 FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Chamber of Commerce to provide funding for the Convention and Visitors Bureau of $181,047 for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-602

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR A GRANT OF $50,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Affordable Housing Corporation (STANCO) for a grant of $50,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

2.1

MODESTO CITY COUNCIL
RESOLUTION NO. 93-603

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK SABALA, OWNER OF PROPERTY AT 123 MERCED AVENUE, FOR THE PURPOSE OF REHABILITATING THE PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Frank Sabala, owner of property at 123 Merced Avenue, for the purpose of rehabilitating the property pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-604

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWARD H. AND BEVERLY J. HOLBROOK FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Edward H. and Beverly J. Holbrook for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-605

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO REESTIMATE REVENUE AND EXPENDITURES AS INDICATED IN THE FIRST QUARTER BUDGET REPORT FOR THE HOUSING & COMMUNITY DEVELOPMENT GRANT PROGRAM.

WHEREAS, Fiscal Year 1992-93 CDBG & HOME carryover grant revenues will be recognized in Fiscal Year 1993-94, and

WHEREAS, this action will increase the revenue estimate for FY 1993-94 and decrease the unaudited fund balance in FY 1992-93, and

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for Fiscal Year 1993-94 to reestimate grant related revenue and appropriate grant related expenditures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the Housing & Community Development Grant Funds of the City of Modesto for Fiscal Year 1993-94 as follows:

Revenue

117-140-1458-3517	"HOME" Grant	$750,000.
113-140-1456-3513	CDBG - Operating Grant	$757,000.

Appropriations

113-140-1456-0497	Loan Principal Payouts	$285,251.
113-800-8000-8003	Contingency Reserve	($ 6,095.)
117-140-1458-0497	Loan Principal Payout	($151,094.)
117-140-1458-0110	Salaries & Wages	$ 37,500.
117-140-1459-0497	Loan Principal Payout	$215,143.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-606

Print

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR SEWER LIFT STATION AT MID LATERAL NO. 5 AND MAZE BOULEVARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Consent to Common Use agreement between the City of Modesto and Modesto Irrigation District for sewer lift station at MID Lateral No. 5 and Maze Boulevard be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-607

A RESOLUTION PROCLAIMING OCTOBER 27, 1993, AS "UNFUNDED MANDATES DAY" IN OBSERVANCE OF NATIONAL UNFUNDED MANDATES DAY.

WHEREAS, the number of unfunded federal and state mandates on cities and counties have significantly increased during the last decade, and

WHEREAS, many federal and state programs, which were made available to local governments to ease the burden of carrying out federal mandates, have been terminated or drastically reduced, and

WHEREAS, these mandates have been added to the financial hardships that some cities and counties are experiencing and have resulted in the need for many local governments to increase revenues or curtail services, and

WHEREAS, studies have shown these mandates consume one-fourth of most city, county, and school budgets meaning that these local dollars are used to fund state and federal priorities rather than local priorities, and

WHEREAS, there are numerous proposals before Congress to limit unfunded mandates and the burdensome regulations that accompany many federal laws, and

WHEREAS, October 27, 1993, has been designated as "National Unfunded Mandates Day" in order to call attention to the severe problems that these mandates impose on cities and counties,

BE IT FURTHER RESOLVED, that the City Council of the City of Modesto hereby requests that the Clinton Administration, the Congress, and the State Assembly pass meaningful legislation to end the practice of unfunded mandates, and to include in any future mandate, provisions requiring local government input, cost/benefit analyses, and scientifically sound assessments of purported health, safety, or environmental risk.

BE IT FURTHER RESOLVED that the City Council of the City of Modesto has proclaimed October 27, 1993, as **"Unfunded Mandates Day"**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-608

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-609

A RESOLUTION GRANTING APPROVAL TO THE AMERICAN LEGION AND MODESTO JUNIOR CHAMBER OF COMMERCE TO CONDUCT A VETERANS' DAY PARADE IN THE CITY OF MODESTO ON THURSDAY, NOVEMBER 11, 1993, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Roy McKenzie on behalf of the American Legion and Modesto Junior Chamber of Commerce have filed an Application for Direct City Assistance to use portions of city streets and for the City to provide traffic control, relating to a Veterans' Day Parade to be held on Thursday, November 11, 1993, for use of Downey Community Park in connection with the parade in honor of Veterans' Day, and

WHEREAS, the Council, by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the City Council deems it appropriate to grant approval to said request for traffic control and for the use of Downey Community Park for assembly purposes in connection with the parade, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the Application for Direct City Assistance filed by Roy McKenzie on behalf of the American Legion and Modesto Junior Chamber of Commerce relating to a Veterans' Day Parade to be held on Thursday, November 11, 1993, subject to the following conditions:

1. The parade assembly will take place on November 11, 1993, at the Downey Community Park

parking area from approximately 9:30 a.m. to 10:00 a.m. and the parade will commence at approximately 10:00 a.m. and terminate at approximately 11:30 a.m.

2. The parade route, subject to approval of the Police Chief, will include Brighton Avenue from Downey Community Park west to Coffee Road, Coffee Road from Brighton Avenue south to Scenic Drive, and Scenic Drive from Coffee Road west to Saint Stanislaus Catholic Cemetery, a total distance of approximately 1.6 miles.

3. The City of Modesto will provide three (3) Police Motorcycle Escorts and two (2) squad cars to maintain traffic control along the parade route.

4. The Parks and Recreation Department will reserve the Downey Community Park parking area for parade assembly on November 11, 1993, from approximately 8:00 a.m. to 10:00 a.m.

5. The American Legion and Modesto Junior Chamber of Commerce shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Veterans' Day Parade which accumulates as a result of the parade.

6. The American Legion and Modesto Junior Chamber of Commerce shall indemnify and hold harmless the City of Modesto, its officers, agents and employees from and against any and all costs, damages, injuries, liability or loss to persons or property which may arise out of or in any way be connected with the Veterans' Day Parade, and use of Downey Community Park and all streets, within the City for the aforementioned Veterans' Day Parade.

7. The American Legion and Modesto Junior Chamber of Commerce agrees to provide by November 10, 1993, and keep in force on November 10 and 11, 1993, a policy acceptable to the Risk Manager of the City of Modesto of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned Veterans' Day Parade, with combined single limits of Five Hundred Thousand ($500,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and

Five Hundred Thousand ($500,000.00) Dollars for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the American Legion and Modesto Junior Chamber of Commerce, under the terms of this resolution. Certificate(s) evidencing the insurance shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the American Legion and Modesto Junior Chamber of Commerce with a copy of this resolution. The American Legion and Modesto Junior Chamber of Commerce shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

ACCEPTANCE

We do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 93-609 pertaining to the 1993 Veterans' Day Parade sponsored by American Legion and Modesto Junior Chamber of Commerce.

Dated:_____

AMERICAN LEGION

By_____

By_____

MODESTO JUNIOR CHAMBER OF COMMERCE

By_____

By_____

MODESTO CITY COUNCIL
RESOLUTION NO. 93-610

Print

A RESOLUTION ACCEPTING THE RESIGNATION OF KARL MASON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE OCTOBER 26, 1993

WHEREAS, Karl Mason was appointed a member of the Affirmative Action Commission on June 23, 1992; and

WHEREAS, Karl Mason has tendered his resignation from the Affirmative Action Commission, effective October 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Karl Mason from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Karl Mason for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-611

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

WHEREAS, an application for leave to present late claim on behalf of the claimant, Enrique Zamora, against the City of Modesto was received on October 13, 1993 in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim on behalf of claimant, Enrique Zamora, against the City of Modesto, received on October 13, 1993, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-612

A RESOLUTION APPOINTING NAOMI KIKUGAWA AND KIRK LINDSEY TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

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

SECTION 1. Naomi Kikugawa and Kirk Lindsey are hereby appointed to the International Friendship Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1993, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Maureen Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-613

A RESOLUTION APPOINTING EARL HOWARD TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee for the respective term as indicated:

Earl Howard

Term to expire 6/30/97

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 19 93, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-614

Print

A RESOLUTION ACCEPTING THE BID OF ALLEN A. WAGGONER CONSTRUCTION, INC. FOR THE LAKEWOOD TRUNK SEWER ESTENSION UNDER MID LATERAL NO. 3

WHEREAS, Resolution No. 93-525 , adopted by the Council of the City of Modesto on September 21, 1993 , approved the plans and specifications for the Lakewood trunk sewer extension under MID Lateral No. 3

and authorized the calling for bids; and

WHEREAS, the bids received for the Lakewood trunk sewer extension under MID Lateral No. 3

were opened at 11:00 a.m. on October 21, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Allen A. Waggoner Construction, Inc. in the amount of $76,410.55

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen A. Waggoner Construction, Inc.

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-615

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $89,411 FOR THE LAKEWOOD TRUNK SEWER EXTENSION UNDER MID LATERAL NO. 3

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

FROM:	Lakewood Trunk Construction	$89,411
TO:	Lakewood Trunk Under MID Lateral 3	$89,411

Establishing a separate account for this portion of the trunk sewer extension will aid in tracking project costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-616

Print

A RESOLUTION ACCEPTING THE BID OF PATCH MASTER OF CENTRAL CALIFORNIA FOR THE HETCH HETCHY BIKE PATH PROJECT

WHEREAS, Resolution No. 93-495 , adopted by the Council of the City of Modesto on September 7 , 1993 , approved the plans and specifications for the Hetch Hetchy bike path project

and authorized the calling for bids; and

WHEREAS, the bids received for the Hetch Hetchy bike path project

were opened at 11:15 a.m. on October 21, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Patch Master of Central California in the amount of $175,676.40

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Patch Master of Central California

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedmam, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-617

Print

A RESOLUTION ACCEPTING THE BEYER PARK PARKING AREA REHABILITATION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Beyer Park parking area rehabilitation project

has been completed by H. Max Lee, Inc.

in accordance with the contract agreement dated July 6, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Beyer Park parking area rehabilitation project

be accepted from said contractor, H. Max Lee, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $27,802.20 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-618

A RESOLUTION ADOPTING A REVISED AFFIRMATIVE ACTION PLAN FOR THE CITY OF MODESTO FOR FY92/93 TO FY96/97.

WHEREAS, the City of Modesto has been, is, and will continue to be committed to the principle that equal employment opportunities in the public service of the City under the Merit System and with those who contract to do business with the City must be afforded to all persons regardless of race, religion, color, creed, sex, age, handicap, national origin or political affiliation or belief, and

WHEREAS, equal employment opportunity may be insured only by a carefully administered program designed to eliminate any practices, standards, or conditions which would artificially deprive or tend to deprive any individual of employment opportunities, and

WHEREAS, the City Manager has submitted a proposed revised Affirmative Action Plan for the City of Modesto, for FY92/93 to FY96/97, a copy of which is marked Exhibit "A" and attached hereto, and

WHEREAS, this Council desires to adopt and implement said revised Affirmative Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the City of Modesto is committed to the principle that equal employment opportunities

in the public service of the City under the Merit System and with those who contract to do business with the City must be afforded to all persons regardless of race, religion, color, creed, sex, age, handicap, or national origin, or political affiliation or belief and that said principle be achieved through an Affirmative Action Plan.

BE IT FURTHER RESOLVED that the Affirmative Action Plan of the City of Modesto submitted by the City Manager, for FY92/93 to FY96/97, a copy of which is marked Exhibit "A" and attached hereto, is hereby adopted as the Affirmative Action Plan for the City of Modesto.

BE IT FURTHER RESOLVED that the Affirmative Action Plan adopted hereby supersedes and replaces the Affirmative Action Program adopted by Resolution No. 87-237, which was adopted on April 7, 1987.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

AFFIRMATIVE ACTION PLAN

FY92/93 - FY96/97

This document represents the City of Modesto's Affirmative Action Plan (five year) for fiscal years 1992-93 through 1996-97. Described herein are the City's plans and goals which have been developed in accordance with Federal, State and local laws in an effort to insure that minorities, women, disabled individuals and other groups are afforded equal opportunity. The City is fully committed to the effective implementation of the Affirmative Action Plan, and to continued progress toward the achievement of its goals. The City's Affirmative Action Commission is confident that the City can continue to expand the employment opportunities and full utilization of women, minorities, the disabled, and other protected groups.

Exhibit "A"

CONTENTS

I. BACKGROUND 1

II. INTRODUCTION 2

III. AFFIRMATIVE ACTION POLICY STATEMENT 3

IV. DISSEMINATION OF POLICY 4
A. INTERNAL DISSEMINATION OF POLICY 4
B. EXTERNAL DISSEMINATION OF POLICY 4

V. ASSIGNMENT OF RESPONSIBILITY FOR THE AFFIRMATIVE ACTION PLAN 5

VI. COMPLAINT PROCEDURE 8

VII. WORKFORCE ANALYSIS 10
A. MINORITY POPULATION OF THE LABOR AREA 10

VIII. UTILIZATION 11
A. CITYWIDE EEO-4 CATEGORIES 11
B. CITY WORKFORCE BY EEO-4 CATEGORY JUNE 30, 1992 . . 12

IX. GOALS AND TIMETABLES 13
A. THE ANTICIPATED EXPANSION, CONTRACTION AND TURNOVER OF THE CITY WORK FORCE 13
B. PURPOSE AND BASIS OF GOAL SETTING 13
C. RESPONSIBILITY FOR SETTING GOALS 14
D. CITYWIDE GOALS AND TIMETABLES BY EEO4 CATEGORY . . 15
E. ANNUAL PLACEMENT RATE - BY EEO-4 CATEGORY 17
F. CITY WORKFORCE PROJECTIONS 18

X. UNDERUTILIZATION 19
A. UNDERUTILIZATION BY EEO4 CATEGORY - CITY WORKFORCE 19
B. UNDERUTILIZATION* BY DEPARTMENT 20

XI. CITY OF MODESTO AFFIRMATIVE ACTION PLAN STANDARDS . . . 22
A. PLAN GOALS 22
B. PLAN MONITORING 22
C. DISSEMINATION OF INFORMATION ON PLAN AND PROGRESS 22
D. RECRUITMENT AND SELECTION 23
E. TRAINING 24
F. UPWARD MOBILITY 24
G. IDENTIFICATION OF INSTITUTIONALIZED UNINTENTIONAL DISCRIMINATION 25
H. PROMOTIONS 25
I. COMMUNITY RELATIONS 26
J. ADA COMPLIANCE 26
K. CONTRACTOR COMPLIANCE 26
L. EVALUATION 26
M. MINORITY BUSINESS ENTERPRISE PROGRAM 26
N. AUDIT OF DEPARTMENTAL PROGRESS 27

I. BACKGROUND

On March 24, 1972, the Federal Equal Employment Opportunity Act of 1972 made Title VII of the Civil Rights Act applicable to local governments and brought them under the jurisdiction of the Equal Employment Opportunity Commission. The Commission's previously issued Guidelines on Employee Selection Procedures and on Sex Discrimination then became applicable to the City of Modesto.

Re-emphasizing their commitment to equal employment opportunity, the Modesto City Council approved the creation of an Affirmative Action Commission on April 7, 1987. This Commission is composed of representatives of the community. It is charged with advising the City Manager and City Council in the development and implementation of the Affirmative Action Program for the City.

On October 1, 1987, in accordance with Federal Regulations 49, Part 23, Section 23.45, the City of Modesto established a policy to provide an equal opportunity for the participation of licensed minority and female contractors in all aspects of bidding, contracting and performing work which is financed by the Home Investment Partnership Act (HOME), Community Development Block Grant (CDBG) and Rental Rehabilitation Program (RRP) funds.

On January 21, 1992, under Resolution 92-42, the City of Modesto set a policy to provide any qualified individual with a disability with assistance, services or benefits that are effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; set a policy not to aid or perpetuate discrimination against a qualified individual with a disability by funding any agency, organization, or person that discriminates on the basis of disability; and set a policy to make reasonable accommodations to the physical or mental limitations of qualified applicants or employees with disabilities, including job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or qualified sign language interpreters, and other similar actions, in accordance with the Americans With Disabilities Act of 1990.

II. INTRODUCTION

The Affirmative Action Plan is a tool developed to assist in the implementation of the City's Affirmative Action Policy. The document outlines the establishment of overall City goals, indicates the direction of Affirmative Action, assigns specific responsibilities, and provides a system to monitor, audit and measure progress. It provides for positive steps to correct underutilization and inequities in areas of employment and contract bidding. The goals contained in the document are planning targets for City officials to strive to achieve and to eliminate discriminatory practices if found to exist.

It is the responsibility of City department directors, managers, supervisors and others to insure that all employees under their supervision have access to this Plan. New employees receive orientation, including a full explanation of the employee's affirmative action responsibilities and rights.

An assessment of the City's progress will be prepared at least on an annual basis and submitted to the City Manager by the Affirmative Action Officer.

The annual assessment will measure the City's progress on the basis of employment and contract decisions. The assessment will insure that these decisions are based on job and contract compliance related criteria, and will measure progress through the improved utilization in the City's workforce of various ethnic groups, women and individuals with disabilities.

It is the City's hope that all individuals may have the realistic opportunity to achieve a place in the work force which meets their interests, qualifications, and capabilities. For this reason, the City has an ultimate goal to develop a City work force that is representative of the community it serves. In the setting of specific goals for improved representation, however, the City clearly understands that achievement of both flexible short-range and long-range goals depends upon the availability of qualified and interested applicants, the use of merit practices, and the availability of revenue to support the level of services and activities currently provided by the City. The overriding objective is to provide each person with a realistic opportunity to develop and succeed according to his or her potential.

In adopting this Affirmative Action Plan, the City Council calls for the full cooperation of all employees in carrying out the Plan responsibilities to make "equal employment opportunity" an established fact in the City of Modesto.

III. AFFIRMATIVE ACTION POLICY STATEMENT

The Modesto City Council is committed to the principles of justice, equal opportunity and nondiscrimination in all employment practices. We fully endorse the policy of equal opportunity and have committed the City of Modesto to a program of affirmative action to provide employees and applicants equal employment opportunities in all departments and job classifications within the City. The City's Affirmative Action Program aims at: identifying and eliminating the effects of any past discrimination; removing any artificial barriers to the employment of women, minorities and individuals with disabilities; improving the ratios of women, minorities and individuals with disabilities at all levels of employment so that they approximate parity in the labor market; and providing a continuing program of training and promotion for such employees.

The Modesto City Council recognizes an individual's right to secure employment with the City of Modesto in any field of endeavor based on his/her merit and qualifications. The City will not participate in discriminatory practices against any person employed or seeking employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical disability (including AIDS) or sexual orientation. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination and all other conditions of employment.

The Council also recognizes the need to actively recruit, identify and encourage minority enterprises to enter the contract bidding process of the City of Modesto. As potential minority bidders are identified, they will be contacted and made familiar with the bidding process. Contractors awarded public works contracts are required to comply with applicable federal and state laws and regulations relating to affirmative action in the work place.

The City Manager is responsible for the implementation of the Affirmative Action Plan. The Affirmative Action Plan has established and will maintain affirmative action goals and a monitoring system to overcome any effects of past discrimination, either real or perceived. An active effort will be made to recruit women, minorities and disabled individuals for all employment opportunities within the City.

IV. DISSEMINATION OF POLICY

The City of Modesto disseminates its affirmative action policy through the use of the following methods.

A. INTERNAL DISSEMINATION OF POLICY

1. All City department heads will be informed of the intent of the Policy and their individual responsibility for its implementation.

2. The Policy and related activities will be highlighted in City publications.

3. All new employees will be informed of the Policy at the time of orientation.

4. All employee organizations are informed of the City's goals and commitment, and their cooperation is requested to meet these goals. A nondiscrimination clause is included in all memoranda of understanding and all contractual provisions are reviewed to ensure they are nondiscriminatory.

5. The current City AA policy is posted on appropriate City bulletin boards in all departments.

B. EXTERNAL DISSEMINATION OF POLICY

1. Recruitment resources used by the City will be informed in writing of the City's AA policy.

2. Prior to a purchase order or contract being issued, each potential subcontractor, vendor or supplier will be informed that they must adopt Executive order 11246 guidelines, an equal opportunity clause. The equal opportunity clause will be in effect during the execution of any City purchase order or contract and their cooperation is required.

3. Minority organizations, community agencies, community leaders, secondary schools and colleges are notified that the Affirmative Action Officer will be available to explain the City's AA Policy, upon request.

V. ASSIGNMENT OF RESPONSIBILITY FOR THE AFFIRMATIVE ACTION PLAN

Each member of Management is responsible for furthering of the Affirmative Action Plan in all phases of the City's employment practices.

Below is the description of the specific duties and responsibilities of the various city officials in the Affirmative Action efforts:

The City Council is responsible for the adoption of the City's Affirmative Action Plan. The Council also provides a forum for public awareness of the City's plan and periodically reviews plan results.

The City Manager is responsible for the City's personnel policies and for insuring discrimination-free processes. The City Manager will establish a positive tone to encourage department heads and other appointing authorities to make Affirmative Action opportunities a part of their hiring decisions. The City Manager will monitor results and report progress to the City Council.

The Affirmative Action Commission is a task-oriented citizen's body that advises the City Manager and encourages positive progress of Affirmative Action in the City of Modesto. The City Council shall appoint eleven (11) Affirmative Action Commissioners for a two-year term. Members shall not be City employees, and shall as a group include members of protected classes including females, minorities, the disabled, and workers over 40 years. Members should have a background evidencing community involvement, understanding of business and employment practices, and awareness of the objectives and methods of Equal Employment Opportunity and Affirmative Action.

The Commission shall be governed by its Rules of Procedures, initially adopted by the City Council, and which may be amended from time to time by the Commission.

The duties of the Affirmative Action Commission are:

1) To advise the City Manager and the City Council in matters that relate to equal employment opportunity and affirmative action.

2) To review the practices and procedures of the City in matters that relate to equal employment opportunity and affirmative action.

3) To review workforce analysis as provided by staff; to provide input and review data utilized in the analysis.

4) To review utilization analysis of job groups and affirmative action progress report.

5) To recommend revisions to affirmative action goals and timetables and review the accomplishments of the City of Modesto in meeting its affirmative action goals.

The Affirmative Action Officer has the responsibility for the implementation of affirmative action programs, and to

1) Develop policy statements, Affirmative Action programs, internal and external communication techniques and monitoring systems for Affirmative Action and Minority/ Women Business Enterprise programs.

2) Identify problem areas and assist line management in arriving at solutions to problems.

3) Design and implement audits and reporting systems which will measure effectiveness of the Affirmative Action and Minority/Women Business Enterprise programs, indicate need for remedial action, if any, and determine whether goals and objectives have been attained.

4) Serve as liaison between the City and enforcement agencies.

5) Serve as liaison between the City, private and public employment services and community action groups for the recruitment of minority groups, women, and members of the disabled community.

6) Become active with local minority organizations, women's organizations, organizations serving the disabled, and community service groups.

7) Review and conduct periodic audits of hiring, promotion, and disciplinary actions to remove impediments to the attainment of goals and objectives.

Department Directors are generally the "appointing authority" in City government. They are responsible for hiring decisions, promotions, disciplinary actions and insuring that City and departmental personnel policies are enforced. They are responsible for their department affirmative action goals.

The Personnel Director is responsible for administering and maintaining a personnel system in which equal employment opportunity can become a reality. Specifically, the Personnel Director is responsible for recruitment and selection efforts, training, and any other matters of employment policy.

Supervisors are required to carry out their duties in directing, training, monitoring and evaluating subordinates without regard to non-job related criterion, such as race, color, sex, ancestry, age, national origin, marital status, physical disability (including AIDS), medical condition (cancer related), religion or sexual orientation.

Employees have the responsibility of interacting with their fellow employees and the public in a respectful and non-discriminatory manner, so that an environment of equal opportunity is modeled throughout the City's workforce.

Employee organizations have agreed to support the City's efforts in increasing Equal Employment Opportunity through Affirmative Action. Specific commitments will be included in each Memorandum of Understanding.

VI. COMPLAINT PROCEDURE

1. Intent - Any person who feels that he/she has encountered discrimination and/or harassment is encouraged to come forward and present that information. All complaints are kept confidential. However, it should be noted that when a supervisor or other management employee is made aware of such a situation, he/she is required to take steps to verify whether or not the discrimination/harassment occurred and to take whatever action is necessary to correct the situation.

   It is the intent of this procedure to provide an effective means for resolving individual or group problems of a sensitive nature quickly and with a minimum of formal procedural requirements.

2. Scope - This procedure should be used for perceived discrimination or harassment based on race, color, national origin, ancestry, sex, marital status, religion, age, medical condition (cancer-related), physical disability (including AIDS), or sexual orientation.

3. Limitations - This procedure for resolving complaints of discrimination and harassment is not intended to supplant or prohibit employees or applicants from filing complaints with the Equal Employment Opportunity Commission(EEOC), the Department of Fair Employment and Housing(DFEH), other appropriate state or federal agencies, or with the courts.

PROCEDURE: The procedure for reporting incidents of discrimination or harassment is meant to be as flexible as possible.

a) Complainants have the option of contacting their immediate supervisor for assistance or the Affirmative Action Officer or the Personnel Director. If an employee goes directly to a supervisor, the supervisor should notify the Affirmative Action Officer that he/she has received the complaint. This can be done informally and confidentially.

b) The complainant should come forward as soon as possible after an incident of discrimination or harassment. The supervisor or Affirmative Action Officer should begin a confidential investigation of the complaint as soon as possible. A reasonable time line would be 2-5 working days, depending on employees' work schedules.

c) The complainant should be assured and the alleged discriminator/harasser should be cautioned that protection from retaliation for complainants and witnesses is provided under the legal statutes of EEOC and the DFEH. Also, the complainant should be given feedback as to the status of the complaint.

d) If the complainant has first taken their complaint to a supervisor and is not satisfied with the supervisor's or department's timeliness or efforts, he/she may then contact the Affirmative Action Officer or the Personnel Director. He/she should notify the department that this is being done.

e) If the supervisor or department cannot effect conciliation and negotiation within a reasonable amount of time (two to three work weeks), the complainant should contact the Affirmative Action Officer to complete the confidential investigation and come to a resolution.

The Affirmative Action Officer and/or the department will produce a confidential written report of findings.

f) If the supervisor or department find that discrimination or harassment has occurred and further action is needed (such as coaching the responsible employee, a record of discussion, discipline, etc.), the Affirmative Action Officer and the Personnel Director should be consulted in advance of the action. Personnel will work in cooperation with the supervisor to determine the appropriateness of the action.

g) The complainant should be notified that he/she has the right to file a claim with the EEOC or the DFEH if the resolution of the case by the City is not to his/her satisfaction.

VII. WORKFORCE ANALYSIS

A. MINORITY POPULATION OF THE LABOR AREA

The 1990 Census Data Labor Market Information for the City of Modesto includes all of Stanislaus County. Stanislaus County is the immediate civilian labor market where the major portion of the City's workforce is most likely recruited.

The latest available labor market data estimates by ethnic group for the Metropolitan Statistical Area (MSA), as provided by the U.S. Census Bureau, reflects the following:

Stanislaus County

Total Labor Market Population 167,810

Ethnic Group*	Percentage
Black	1.30
Hispanics	20.40
Asians	3.18
American Indian	.99
Female	43.04

* Ethnic Group Identification

WHITE (not of Hispanic origin): All persons having origins in any of the original people of Europe, North America, or the Middle East.

BLACK (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.

HISPANIC: All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

ASIAN OR PACIFIC ISLANDER: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

AMERICAN INDIAN OR ALASKAN NATIVE: All persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition. (Taken from EEOC Report Booklet, #1993-350-216)

VIII. UTILIZATION

A. CITYWIDE EEO-4 CATEGORIES

Local government agencies are required to keep their statistics on representation of women and minorities in the workplace by specified categories. These are commonly referred to as EEO-4 categories. Of the nine categories specified, the City of Modesto has employees in eight categories. The affirmative action statistics, utilization analysis, goals, and timetables for the Citywide workforce and for individual departments are based on these groupings. Each is explained briefly below:

Officials and Administrators
: City Council Members, Administrators in City Manager's Office, and Department Directors.

Professionals
: Mid-level Managers and/or Supervisors, with professional and administrative classifications requiring specialized knowledge.

Technicians
: Specialized, technical and/or inspectoral positions, including computer programmers, police and fire sergeants, laboratory technicians and industrial waste inspectors.

Protective Service
: Occupations entrusted with public safety and security, including sworn Police Officers and Firefighters.

Paraprofessionals
: Occupations in which workers perform some of the duties of a professional or technician in a supportive role. These include animal control officers and community service officers.

Administrative Support
: Occupations in which workers are responsible for internal and external communication, including bookkeepers, administrative clerks, police clerks, payroll clerks and cashiers.

Skilled Crafts
: Workers with special manual skill including electricians, heavy equipment operators, carpenters and water and sewage treatment plant operators.

Service/Maintenance
: Occupations which contribute to the upkeep and care of buildings facilities or grounds of public property, including custodial employees, maintenance mechanics and maintenance workers.

B. CITY WORKFORCE BY EEO-4 CATEGORY JUNE 30, 1992

Category	White		Black		Hisp		Asian		AmInd		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Off/Adm	18	5	1	0	0	0	1	0	0	0	20	5
Prof	141	41	7	2	6	2	4	3	3	0	161	48
Tech	45	15	1	0	4	2	0	3	1	0	51	20
Parap	9	11	0	2	1	2	1	0	0	0	11	15
Adm Sup	3	98	1	1	1	15	0	2	0	0	5	116
Sk Crft	109	5	4	0	31	0	3	0	0	0	147	5
Prot Sv	236	5	11	1	31	2	6	1	4	0	288	9
Sv Mntn	87	3	5	0	37	0	1	0	1	1	131	4
TOTALS	648	183	30	6	111	23	16	9	9	1	= 814	222
Percent	63	18	3	-	10	2	2	1	1	-	= 100%	

IX. GOALS AND TIMETABLES

A. THE ANTICIPATED EXPANSION, CONTRACTION AND TURNOVER OF THE CITY WORK FORCE

Current work force plans for the City of Modesto through fiscal year 1993-94 indicate that the total City work force will remain relatively constant. Future workforce projections are difficult at this time because of somewhat flat local revenues and the continuing state deficit. It is safe to assume that for at least the first two to three years of this plan, many positions which in the past would have been filled as a function of attrition will remain vacant. During the first two years of the plan, some layoffs either have or are anticipated to occur.

For planning purposes, we have estimated that turnover across job categories will be in the 4% range for the foreseeable future. Goals and timetables have been established based on this assumption. Should this figure decrease, goals will take longer to reach. Should turnover exceed this projection, or should City expansion once again take place, it may be possible to reach our goals on an accelerated schedule.

Because the turnover rate is estimated at 4% and this plan is meant to cover a five-year planning range, goals for some groups in some EEO4 categories will be less than the percentage or numbers shown as needed in the charts on "underutilization". For example, 62 additional women are needed in the Professional category to meet parity with labor market availability. Parity could only be met in the five-year span of this plan if there was a turnover rate of 20.2% per year in this category. However, the City's actual five-year goal will be based on the projected 4% turnover rate.

B. PURPOSE AND BASIS OF GOAL SETTING

The long range goal of the City's Affirmative Action Plan is to achieve a workforce that is a representation of the workforce of the community it serves, in each occupational group and at the various levels within each EEO4 category. Efforts to achieve that ultimate goal must be consistent with merit principles and will depend on the availability of qualified applicants and the limited opportunities to hire inherent under reduced budgets. Short range goals for the increased representation of women and minorities in the City's workforce will be reviewed annually to cover five-year periods in those categories and classes where underutilization is prevalent.

Affirmative Action goals should be considered as flexible targets and not as rigid standards. They will reflect results which the Affirmative Action Commission, with approval from the City Council, has determined can reasonably be achieved within a five-year period. They will be based on both the availability of qualified persons in the labor force, relevant to each occupational group and consideration of the opportunities to hire and promote persons. These goals can be impacted by budget implications which necessitate a reduced workforce, either by leaving positions vacant or a layoff of employees.

C. RESPONSIBILITY FOR SETTING GOALS

This plan will set recommended Citywide goals for a five-year period based on underutilization of specified groups. Departmental goals will be set by the Affirmative Action Officer in consultation with the individual department directors and the Affirmative Action Commission.

D. CITYWIDE GOALS AND TIMETABLES BY EEO4 CATEGORY

FIVE-YEAR GOALS (%)

Group	6/30/92 Workforce	1996-97 Goal
OFFICIALS/ADMINISTRATORS		
Black:	4.0	1.9
Hispanic:	0.0	3.4
Asian:	4.0	4.3
American Indian:	0.0	.7
Women:	20.0	24.8
PROFESSIONALS		
Black:	4.3	2.4
Hispanic:	3.8	6.0
Asian:	3.4	4.6
American Indian:	1.4	.6
Women:	22.6	32.5
TECHNICIANS		
Black:	1.4	1.3
Hispanic:	8.5	10.0
Asian:	4.2	3.8
American Indian:	1.4	.4
Women:	28.2	33.3
PROTECTIVE SERVICE		
Black:	3.7	4.8
Hispanic:	11.1	12.8
Asian:	2.4	3.2
American Indian:	1.4	1.7
Women:	3.0	7.5

Group	6/30/92 Workforce	1996-97 Goal
PARAPROFESSIONAL		
Black:	7.1	2.0
Hispanic:	10.7	13.2
Asian:	3.6	4.5
American Indian:	0.0	1.2
Women:	60.7	70.8
ADMINISTRATIVE SUPPORT		
Black:	1.7	1.5
Hispanic:	13.2	15.1
Asian:	1.7	2.8
American Indian:	0.0	1.1
Women:	95.9	74.7
SKILLED CRAFT		
Black:	2.6	1.2
Hispanic:	20.4	19.6
Asian:	2.0	1.9
American Indian:	0.0	.7
Women:	3.3	5.5
SERVICE/MAINTENANCE		
Black:	4.4	1.4
Hispanic:	27.2	30.0
Asian:	.7	1.7
American Indian:	1.5	.9
Women:	2.9	13.6

E. ANNUAL PLACEMENT RATE - BY EEO-4 CATEGORY

The percentage of new hires needed within each group to reach the goal for that group is as follows:

Category	Women	Black	Hispanic	Asian	AmInd
Officials/Administrators	51.6		15.5		
Professionals	70.0		18.4	10.6	
Technicians	59.1		18.8		
Protective Service	24.5	10.0	21.3	6.4	3.4
Paraprofessional	91.0		23.4		
Administrative Support			23.9	6.8	2.2
Skilled Craft	16.2				2.8
Service/Maintainance	52.5		41.0	5.8	

F. CITY WORKFORCE PROJECTIONS

When the City of Modesto reaches its five-year goals based on EEO-4 Categories, it will result in a total City workforce as follows:

TOTAL CITY WORK FORCE
FY 96-97 PROJECTION
BY ETHNICITY/GENDER

GROUP	PERCENTAGE
Black	2.6
Hispanic	14.6
Asian	3.2
American Indian	1.0
Women	24.8

Based on those same five-year goals, the City will have underutilization as follows:

TOTAL CITY WORKFORCE
FY 96-97 PROJECTION
BY ETHNICITY/GENDER
UNDERUTILIZATION
BASED ON REACHING FIVE-YEAR GOALS

GROUP	PERCENTAGE
Black	0.0
Hispanic	1.7
Asian	.8
American Indian	0.0
Women	3.4

X. UNDERUTILIZATION

A. UNDERUTILIZATION BY EEO4 CATEGORY - CITY WORKFORCE

The following shows the visual (as opposed to statistical) under-representation of women and minorities by EEO4 category on a citywide basis. In the eight categories as a whole, women are underutilized in seven, Hispanics in seven, Blacks in one, Asians in four, and American Indians in three.

1. Officials/Administrators

   Women are underutilized in this category by 4 employees; Hispanics by 3.

2. Professionals

   Women are underutilized in this category by 62 employees; Hispanics by 11; Asians by 4.

3. Technicians

   Women are underutilized in this category by 8 employees; Hispanics by 3.

4. Protective Service

   Women are underutilized in this category by 39 employees; Blacks by 4; Hispanics by 9; Asians by 2; American Indians by 1.

5. Paraprofessionals

   Women are underutilized in this category by 8 employees; Hispanics by 1.

6. Administrative Support

   Hispanics are underutilized in this category by 3 employees; Asians by 2; American Indians by 1.

7. Skilled Craft

   Women are underutilized in this category by 7 employees; American Indians by 2.

8. Service/Maintenance

   Women are underutilized in this category by 44 employees; Hispanics by 11; Asians by 4.

B. UNDERUTILIZATION* BY DEPARTMENT

The following summary shows the number of personnel in each category (e.g. administrative support), compared to the number of personnel underutilized, by department breakdown.

Category	6/30/92 Personnel	Underutilized By
	CITY ATTORNEY DEPARTMENT	
Professionals	6	Hispanic - 1
Admin Support	4	Hispanic - 1
	CITY CLERK'S OFFICE	
Professionals	2	Hispanic - 1
	CITY MANAGER'S DEPARTMENT	
Professionals	11	Asian - 1
	ECONOMIC DEVELOPMENT OFFICE	
		None
	FINANCE DEPARTMENT	
Professionals	20	Hispanic - 2
Admin Support	30	Hispanic - 2
		Asian - 1
Technicians	4	Hispanic - 1
	FIRE DEPARTMENT	
Professionals	13	Women - 5
		Asian - 1
Technicians	8	Hispanic - 1
Prot Service	137	Women - 13

Category	6/30/92 Personnel	Underutilized By
PARKS & RECREATION DEPARTMENT		
Professionals	36	Women - 8
		Hispanic - 2
		Asian - 1
Technicians	3	Hispanic - 1
Serv Maintenance	80	Women - 26
		Asian - 4
PERSONNEL DEPARTMENT		
Professionals	5	Hispanic - 1
PLANNING & COMMUNITY DEVELOPMENT		
Professionals	20	Women - 5
Technicians	4	Women - 2
Admin Support	6	Hispanic - 1
POLICE DEPARTMENT		
Professionals	52	Women - 20
Paraprofessionals	26	Women - 8
		Hispanic - 1
Admin Support	44	Hispanic - 2
Prot Service	153	Women - 4
Serv Maintenance	5	Women - 2
PUBLIC WORKS & TRANSPORTATION		
Professionals	58	Women - 22
		Hispanic - 3
Technicians	69	Women - 6
Admin Support	14	Hispanic - 3
		Asian - 1
Serv Maintenance	42	Women - 13

*Based on market availability

XI. CITY OF MODESTO AFFIRMATIVE ACTION PLAN STANDARDS

To insure that the City Affirmative Action Plan complies with federal and state guidelines for affirmative action plans, the following program standards shall be followed:

A. PLAN GOALS

1. The Affirmative Action Officer will provide departments with information on the availability of underrepresented groups in the occupational categories used in each department.

2. Recruitment programs will be planned and implemented in support of percentage goals that have been established.

B. PLAN MONITORING

1. Progress toward program goals shall be monitored by the Affirmative Action Officer and where appropriate by the Commission for achievement of numerical goals, progress in accomplishing plans as stated in previous annual progress reports, problem areas identified during the last quarter, and recommendations made by the Affirmative Action Officer.

2. Information on affirmative action provided by the Personnel Department, including new laws and court decisions shall be reviewed, maintained for reference, and distributed to supervisors.

C. DISSEMINATION OF INFORMATION ON PLAN AND PROGRESS

1. Periodic meetings shall be held with employees to discuss affirmative action programs and responsibilities.

2. All employees shall be issued copies of the Affirmative Action Policy Statement, summary of key program elements, and discrimination complaint procedures.

3. The name and telephone of the Affirmative Action Officer shall be publicized.

4. Internal publications and advertising shall be used to publicize affirmative action commitment and progress, and to portray minority, female, and disabled employees in high level and non-traditional positions.

5. Active outreach attempts shall be made to solicit bids from potential minority and women contractors and vendors.

6. External communication, displays and other use of media shall uniformly demonstrate cultural awareness and women and minorities shall be proportionately represented.

D. RECRUITMENT AND SELECTION

1. Examination bulletins and training information shall be posted on employee bulletin boards.

2. Minority and women and disabled employees shall be represented in employee selection functions.

3. The Personnel Department shall conduct special Affirmative Action recruitment efforts for positions when underutilization of women and minorities have been identified in such positions.

4. City departments will assist the Personnel Department in special Affirmative Action recruitment programs to acquaint minorities, women and disabled persons with employment opportunities. Departments will also send women, minority and disabled employees as speakers to schools, colleges or other recruitment sites to assist in this effort.

5. For those classes which are unique to a department, the department shall advise the Personnel Department of minority, women and other professional associations or publications which might serve as recruiting sources.

6. Minorities, women and disabled employees will be encouraged to assist in recruitment efforts by making referrals of persons they believe qualify for announced vacancies.

7. The applicant pool for each position will be reviewed by the Affirmative Action Officer to ensure that minorities, women and disabled applicants are represented in the pool.

   For each recruited position that shows statistical underutilization and for which affirmative action employment goals have been established, the applicant pool must have qualified minority and women applicants. If there is an absence of qualified minority and women applicants, the examination/application period may be extended and a more intensive recruitment effort initiated.

8. Federally funded, part-time and summer employment programs shall be used effectively to provide opportunity for under-represented groups.

9. The City shall restructure the duties of positions for the reasonable accommodation of disabled individuals.

10. The City shall make an ambitious effort to recruit and hire the disabled.

E. TRAINING

1. Records of the sex and ethnic groups of those receiving training benefits shall be maintained.

   These records shall be reviewed to determine the representation for all groups of employees.

2. Training presentations shall be monitored periodically and audited annually to determine if the tone and language of the presentations are positive and consistent with Affirmative Action objectives.

3. The Affirmative Action Plan shall be discussed at orientation.

4. Specific sexual(gender) harassment training opportunities will be presented annually.

F. UPWARD MOBILITY

1. Requirements and specifications for each class which is used extensively or exclusively within the City shall be reviewed to:

   a. Determine job-relatedness.

   b. Identify barriers to the upward mobility of current employees.

   c. Identify a need to revise requirements in order to enhance the opportunities for the upward mobility of underrepresented groups.

2. Employees shall be:

   a. Counseled on work performance deficiencies and/or means to improve performance.

   b. Encouraged to participate in educational or training programs which will help prepare them for advancement.

G. IDENTIFICATION OF INSTITUTIONALIZED UNINTENTIONAL DISCRIMINATION

1. Written City and departmental policies, personnel practices, and working rules shall be reviewed and revised as necessary to maintain job-relatedness.

   This material will be disseminated to supervisors.

2. a. Employee performance evaluations shall be reviewed for job-relatedness.

   b. The comment section shall be used to make suggestions for employee development and improvement of work performance.

3. a. A written procedure for exit interviews shall be established.

   b. The procedure shall include questions which identify differential treatment, if any, and give input on the effectiveness of the Affirmative Action Plan.

   c. This information shall be reviewed by the Affirmative Action Officer.

4. Specific documentation shall be prepared and analyzed for job-relatedness, on the reasons for probationary releases, discharges, and suspensions to monitor their affirmative action impact.

5. a. The attrition rate for each sex/ethnic group shall be reviewed to determine if it is proportionate to their representation in the City and departmental work force.

   b. If not, the reasons for the disparity should be identified, and where possible, an effort should be made to correct the disparity.

6. Employees shall be informed of their rights under the City's discrimination and harassment complaint procedures.

H. PROMOTIONS

The City of Modesto will attempt to promote women, minorities and disabled persons employed by the City, as well as to recruit them. Women, minorities and the disabled are promoted on the basis of performance and the passage of various promotional tests. The City will make special efforts to inform women, minorities and the disabled of promotions within each department.

I. COMMUNITY RELATIONS

The Affirmative Action Officer will be the liaison to women, minority and disabled groups to become aware of the needs of these groups within the community. Along with other staff members, the Affirmative Action Officer will seek to establish and maintain lines of communication with the various minority, women and disabled group leaders within the City.

J. ADA COMPLIANCE

The Affirmative Action Officer will monitor and assist with physical accommodations and handicapped barrier removal within and outside of City facilities, in accordance with the City's Self-Evaluation and Transition Plan. Also, the Affirmative Action Officer will maintain a program of compliance with the Americans With Disabilities Act to prohibit discrimination against qualified individuals with disabilities.

K. CONTRACTOR COMPLIANCE

Bidders shall submit with their bid, their company's Affirmative Action Plan or a Workforce Analysis certifying compliance with the Civil Rights Act of 1964, Executive Order No. 11246, the California Fair Employment Practices Act, and any other applicable federal and state laws and regulations relating to equal employment opportunity, including laws and regulations hereinafter enacted.

L. EVALUATION

1. The Affirmative Action Officer and Affirmative Action Commission shall continuously monitor progress of the Program and report to the City Manager.

2. The City Manager will submit an annual report of the City-wide program to the City Council.

M. MINORITY BUSINESS ENTERPRISE PROGRAM

The Affirmative Action Officer shall monitor the City's efforts to comply with Executive Order No. 11625. The City shall identify and encourage minority and women business enterprises to enter the bidding processes of the City. When minority and women bidders are identified, they will be contacted and made familiar with the bidding process. Bid applications will be forwarded to them along with other potential contractors.

The primary objective is to increase the participation by minority and women-owned business enterprises, while continuing to contract on the basis of quality, competitive price and service.

This applies to every department and serves to focus and guide all procurement decisions and activities.

N. AUDIT OF DEPARTMENTAL PROGRESS

Department Directors will monitor employment practices based upon statistical data on appointments, transfers, promotions and separations as provided by the Affirmative Action Officer. This data will show ethnicity and sex of employees for statistical purposes only.

The Affirmative Action Officer will develop an internal auditing procedure to monitor City and departmental compliance and progress in meeting their goals and timetables.

ANNUAL AFFIRMATIVE ACTION STATUS REPORT FOR FY 92-93

SUMMARY

The City hired 21 new full-time, regular employees in FY 92 93; 14 (66.7%) were White; 2 (9.5%) were Black; 5 (23.8%) were Hispanic; and no Asian or American Indians were hired. There were 16 (76.2%) Women and Minorities hired. (See New Hires & Promotions By Category, 6/30/92-6/30/93)

Also, the City promoted 32 full-time, regular employees. 23 (71.9%) were White; Blacks comprised 3.1%; Hispanics comprised (15.6%); Asians comprised (9.4%); and no American Indians were promoted. There were 16 (50.0%) Women and Minorities promoted.

Gains were made in the Paraprofessional category for Women (From 60.7% to 64.0%) and in the Administrative category for Hispanics (from 13.2% to 14.0%). (See Citywide Status and Goals chart)

Even though hires and promotions were made in the Professional, Technician, Protective Service, and Service/Maintenance categories, they fell short of the goals, due to fewer hirings than normal and to twelve layoffs incurred in FY 92-93.

CITYWIDE STATUS AND GOALS

Group	6/30/92 Actual%	6/30/93 Actual%	6/30/97 Goal
OFFICIALS/ADMINISTRATORS			
Hispanic	0.0	0.0	3.4
Women	20.0	20.0	24.8
PROFESSIONALS			
Hispanic	3.8	3.6	6.0
Asian	3.4	3.1	4.6
Women	22.6	20.5	32.5
TECHNICIANS			
Hispanic	8.5	8.5	10.0
Women	28.2	26.8	33.3
PROTECTIVE SERVICE			
Black	3.7	3.5	4.8
Hispanic	11.1	11.1	12.8
Asian	2.4	2.4	3.2
American Indian	1.4	1.4	1.7
Women	3.0	3.0	7.5
PARAPROFESSIONALS			
Hispanic	10.7	10.7	13.2
Women	60.7	* 64.0	70.8
ADMINISTRATIVE SUPPORT			
Hispanic	13.2	* 14.0	15.1
Asian	1.7	1.7	2.8
American Indian	0.0	0.0	1.1
SKILLED CRAFT			
American Indian	0.0	0.0	0.7
Women	3.3	3.3	5.5
SERVICE/MAINTENANCE			
Hispanic	27.2	24.4	30.0
Asian	0.7	0.0	1.7
Women	2.9	2.2	13.6

* progress was made toward the goal

NEW HIRES & PROMOTIONS BY CATEGORY
6/30/92 - 6/30/93

	M	F	WHT	BL	HISP	AS	AI
OFFICIALS/ ADMINISTRATORS							
New Hires	2	0	1	1			
Promotions	1	0	1				
PROFESSIONALS							
New Hires	3	0		1	2		
Promotions	7	2	8		1		
TECHNICIANS							
New Hires	2	0	2				
Promotions	5	2	5		1	1	
PROTECTIVE SERVICES							
New Hires	2	0	1		1		
Promotions	0	2	1		1		
PARAPROFESSIONALS							
New Hires	0	0					
Promotions	1	0	1				
ADMINISTRATIVE SUPPORT							
New Hires	1	9	8		2		
Promotions	0	0					
SKILLED CRAFTS							
New Hires	0	0					
Promotions	7	1	4	1	1	2	
SERVICE/MAINT							
New Hires	2	0	2				
Promotions	4	0	3		1		
TOTALS							
New Hires	12	9	14	2	5	0	0
Promotions	25	7	23	1	5	3	0

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-619

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Project Manager

The specifications for the classification of Project Manager (Range 435), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 2, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

November, 1993
No. 2133

CITY OF MODESTO

PROJECT MANAGER

DEFINITION

Under administrative direction, initiates, organizes, and coordinates redevelopment projects and programs within the City's redevelopment project area; provides responsible technical and administrative support to the Redevelopment Agency; coordinates the activities of City-wide project teams; performs and directs studies and analysis; develops and implements public relations programs; and performs other related work, as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level management staff, and general direction from the Redevelopment Agency.

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

Negotiate, prepare, and supervise the processing of documents such as disposition and development agreements, owner participation agreements, contracts, resolutions, and requests for proposals/qualifications.

Prepare and administer contracts, prepare public information documents; create and analyze proformas and other financial documents; monitor and evaluate legislation and regulations pertaining to redevelopment law and ensure Agency's compliance with the same.

Develop and implement the Agency's Housing Program.

Prepare and present comprehensive reports on all aspects of assigned programs and projects.

Supervise and direct activities of attorneys, appraisers, acquisition agents, economic analysts, and relocation specialists.

Assist with the organization, staffing, and operational activities for the City's redevelopment services and related activities; assist with the management and implementation of all redevelopment projects; solicit, analyze, and negotiate with contractors as necessary.

Participate in the development and implementation of goals, objectives, policies, and priorities for the City's redevelopment services; identify resource needs; recommend and implement policies and procedures.

Participate in the development and administration of the redevelopment program budget; forecast funds needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; recommend adjustments as necessary.

Coordinate redevelopment services and activities with those of other divisions and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Manage the development and implementation of economic change through retention, expansion, and attraction of commerce and industry.

Coordinate and implement a variety of incentives to help broaden the local tax base, generate or attract new capital, increase local business activity, produce new jobs, and diversify the local economy.

Serve as a resource for the public, including developers, property owners, businesses, community organizations, and the general public; negotiate and resolve significant and controversial issues; respond to and resolve difficult and sensitive citizen inquiries and complaints.

Make presentations to community groups, businesses, and legislative bodies.

Provide staff support in professional group meetings; stay abreast of new trends and innovations in the field of municipal redevelopment.

Perform related duties and responsibilities, as required.

QUALIFICATIONS

Knowledge of:

Operational characteristics, services, and activities of a municipal redevelopment program.

Principles and practices of community development and real estate.

Principles and practices of organization, administration, and municipal finance.

Procedures and policies concerning redevelopment programs.

Pertinent Federal, State, local laws, codes, and regulations, including the State Redevelopment Law and related regulations.

Principles of municipal budget preparations and control.

State environmental provisions related to redevelopment.

Principles and practices of public relations.

Ability to:

Analyze economic studies, financial statements, marketing studies, plans, specifications, and bid documents.

Skillfully represent the agency in all types of contract negotiations.

Manage and coordinate the work of supervisory, professional, and technical personnel.

Interpret and explain City redevelopment policies and procedures.

Negotiate and manage contracts with consultants and developers.

Review development proposals in order to ensure compliance with redevelopment plans and law.

Identify and respond to community and City Council issues, concerns, and needs.

Interpret, apply, and explain a variety of ordinances affecting redevelopment services, including assembly bills, resolutions, senate bills, and other State laws.

Prepare clear and concise reports.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work, including a variety of City and other government officials, community groups, and the general public.

Experience:

Three years of increasingly responsible experience in community development, redevelopment project management, or real estate finance and development.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in finance, real estate, economics, or a related field.

License:

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

Revised 11/4/93

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-620

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD PROJECT MANAGER.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, and 93-127, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective November 2, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" adopts class specifications for Project Manager at range 435.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 2, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

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

Effective November 2, 1993

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	

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

Effective November 2, 1993

RANGE	TITLE
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor

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

Effective November 2, 1993

RANGE	TITLE
431	Administrative Analyst II
	Affirmative Action Officer
	Personnel Analyst
	Training Coordinator
	Assistant Risk Manager
	Recycling Program Coordinator
	Budget Analyst
432	Plant Mechanic Supervisor
	Recreation Supervisor II
	Historical Buildings Supervisor
	Senior Accountant
	Youth Program Supervisor
	Industrial Waste Supervisor
433	Assistant Civil Engineer
	Laboratory Supervisor
	Assistant Traffic Engineer
434	Senior Programmer Analyst
	Electrical Supervisor
	Assistant Equipment Maint. Supt.
	Engineering Systems Manager
	Sr. Housing Rehab. Specialist
	Public Works Supervisor II
	Secondary Treatment Site Supv.
	Parks Maintenance Supervisor II
	Events Coordinator
	Operations Supervisor
	Landscape Designer
	Arborist
	Trees Maintenance Supv. II
	Land Surveyor
	Equipment Maintenance Supervisor II

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

Effective November 2, 1993

RANGE	TITLE
435	Management Analyst
	Deputy City Attorney I
	Senior Personnel Analyst
	Public Information Officer
	Budget Officer
	Financial Analyst
	Administrative Services Officer
	Integrated Waste Specialist
	Project Manager
436	Senior Planner
	Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt.
	Asst. Water Quality Control Supt.
	Transportation Planner
	Housing Program Supervisor
439	Deputy City Attorney II
	Associate Civil Engineer
	Associate Traffic Engineer
440	Principal Accountant
	Purchasing Officer
441	Community Development Program Manager
	Sr. Deputy City Attorney I
	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Maintenance Supt.
	Parks Superintendent
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Golf Superintendent
	Fleet Manager
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent

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

Effective November 2, 1993

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

11

MODESTO CITY COUNCIL
RESOLUTION NO. 93-621

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND MODESTO COMMUNITY HOUSING RESOURCES BOARD FOR A GRANT OF $7,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Community Housing Resources Board for a grant of $7,000 under the Community Development Block Grant (CDBG) Program for fiscal year 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-622

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND BETTY M. RIVERA FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Betty M. Rivera for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-623

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE OF MID LATERAL NO. 3 FOR THE EXTENSION OF THE LAKEWOOD SEWER TRUNK INTO THE VILLAGE ONE AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District consenting to common use of MID Lateral No. 3 for the extension of the Lakewood sewer trunk into the Village One area

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-624

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM MODESTO HIGH SCHOOL DISTRICT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Modesto High School District to acquire the Sutton Park site adjacent to Johansen High School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Modesto High School District be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-625

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM EMPIRE UNION SCHOOL DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Empire Union School District to acquire the Empire West Park site adjacent to Garst Road School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Empire Union School District be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-626

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND KRAFT GENERAL FOODS TO LOCATE A RADIO REPEATER UNIT ON THEIR BUILDING FOR USE BY THE FIRE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kraft General Foods to locate a radio repeater unit on their building for use by the Fire Department

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-627

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $45,000 TO FUND PURCHASE OF THREE COMPUTER AIDED DESIGN (CAD) WORK STATIONS IN PUBLIC WORKS & TRANSPORTATION

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

FROM:	Parallel Outfall (621 480 P989 6030)	$30,000
	Tank No. 5 Constr.(612 480 C118 6010)	15,000
TO:	Engineering CAD Stations (612 480 D356 6070)	$45,000

The Public Works and Transportation Management Audit recommended that three computer aided design (CAD) work stations be funded through the water and sewer funds in the 1993-94 budget. the CAD work stations will be used to design water and sewer CIP projects. This item was inadvertently ommitted from the budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd **day of** November **,** 19 93 **, by Councilmember** Friedman **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-628

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $158,000 TO CONSTRUCT TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS AT BRIGGSMORE AND OAKDALE

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

FROM:	Automated Traffic Management (141 160 C630 6040)	$158,000
TO:	Briggsmore/Oakdale Improvements	$158,000

Development of the Car's Jr. on the northeast corner of Briggsmore and Oakdale makes the proposed project necessary to help maintain traffic flow and safety. Future Capital Facilities Funds will be used to restore the funding shifted from the ATMS project to allow funding of this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-629

Print

A RESOLUTION APPOINTING TERRY KATZAKIAN TO THE INTERNATIONAL FRIENDSHIP COMMITTEE

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

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

Terry Katzakian
1318 Princeton Avenue
Modesto, Ca. 95350
Term to expire:

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the International Friendship Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-630

A RESOLUTION APPOINTING JOAN CARDOZA TO THE AFFIRMATIVE ACTION/DISABILITY COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Affirmative Action/Disability Commission for the respective term as indicated:

Joan Cardoza
508 Colebrook Court
Modesto, Ca. 95350

Term expires:

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November 199 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-630A

Print

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION HELD IN THE CITY OF MODESTO ON NOVEMBER 2, 1993, DECLARING THE RESULTS OF SAID ELECTION, AND RECOGNIZING A RUNOFF ELECTION TO BE HELD ON DECEMBER 14, 1993.

WHEREAS, on Tuesday, November 2, 1993, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Councilmember to Chair No. 2 for a term of four years; one Councilmember to Chair No. 4 for a term of four years; one Councilmember to Chair No. 5 for a term of four years; and to elect four members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 2, 1993, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of voters at the first election shall have their names on the ballot for election to the office,

and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 4, 1993, a copy of which is attached hereto marked Exhibit "A" and made a part hereof,

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

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

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

(a) The whole number of votes cast in the city.

(b) The names of the persons voted for.

(c) For what office each person was voted for.

(d) The number of votes given in the city to each person.

3. That the following named persons having received a majority of the votes cast for the elective offices as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons,

certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Richard Patterson	Councilmember for a term of four years, Chair No. 4, Modesto City Council.
Kenni Friedman	Councilmember for a term of four years, Chair No. 5, Modesto City Council.
Paul Neuman	Member, Modesto Board of Education, for a term of four years.
Frank S. Jeans	Member, Modesto Board of Education, for a term of four years.
John L. Hollis	Member, Modesto Board of Education, for a term of four years.
Kate Nyegaard	Member, Modesto Board of Education, for a term of four years.

At said Regular Municipal Election a majority vote was not cast for Councilmember for Chair No. 2, therefore, a second municipal election shall be held on Tuesday, December 14, 1993 at which time the two candidates receiving the highest number of votes, Janine McClanahan and Pete Kolf, shall have their names on the ballot for election to the office of Councilmember, Chair No. 2 for a term of four years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

11/09/93 OP0N16RF/CA/rh

AMENDED 11-8-93

CITY COUNCIL AGENDA NOVEMBER 9, 1993

ITEM A

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION

November 2, 1993

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 5, 1993, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 2, 1993, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 2, Modesto City Council

Janine McClanahan	13,041	40.0%
Pete Kolf	8,566	26.2%
Forrest Heath	6,474	19.8%
Ron Inman	2,401	7.3%
Dave Moss	2,119	6.5%

Chair 4, Modesto City Council

Richard Patterson	22,665	69.5%
Tom Carter	9,944	30.4%

Chair 5, Modesto City Council

Kenni Friedman	19,043	59.4%
David Talbot	6,939	21.6%
Linda Marie DeGroat	6,063	18.9%

Exhibit "A"

Member, Modesto Board of Education

Paul Neuman	21,420	14.7%
Frank S. Jeans	18,929	13.0%
John L. Hollis	18,126	12.4%
Kate Nyegaard	16,927	11.6%
Balvino Irizarry	16,588	11.4%
Solange Goncalves Altman	16,472	11.3%
Mary Harris	9,837	6.7%
Mary O. Wadlington	5,580	3.8%
Bob Cannon	5,525	3.8%
Clifford L. Miller	4,846	3.3%
Rodney R. Vian	4,301	2.9%
Warren R. Ihrig	4,166	2.8%
Jose Lugo	2,658	1.8%

Voter Turnout

City of Modesto	36,210	44.4%
Modesto High School District	43,579	43.3%

Norrine Coyle
City Clerk & Auditor
City of Modesto

November 4, 1993

MODESTO CITY COUNCIL
RESOLUTION NO. 93-631

Print

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN MAP TO INCLUDE A COMMERCIAL AREA (TARGET) AND THE WOOD COLONY NEIGHBORHOOD SHOPPING CENTER ALONG THE NORTHEAST SIDE OF SISK ROAD NORTH OF VINTAGE DRIVE AND AT THE SOUTHEAST CORNER OF SISK ROAD AND PELANDALE AVENUE, RESPECTIVELY, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and has been subsequently amended, which amendments include the title which is currently "Modesto Urban Area General Plan", and

WHEREAS, thereafter, as recommended by the Planning Commission, said General Plan has been amended by Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)

No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)

No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)

No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)

No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)

No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)

No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)

No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)

No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)

No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)

No. 78-854, adopted on August 14, 1978 (Conservation Element)

No. 78-855, adopted on August 14, 1978 (Noise Element)

No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)

No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)

No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)

No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)

No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)

No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)

No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)

No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)

No. 86-1297, adopted on November 26, 1986 (Circulation Element)

No. 86-1298, adopted on November 26, 1986 (Circulation Element)

No. 86-1299, adopted on November 26, 1986 (Circulation Element)

No. 86-1300, adopted on November 26, 1986 (Circulation Element)

No. 86-1301, adopted on November 26, 1986 (Circulation Element)

No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)

No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)

No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)

No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map Chrysler-99 Neighborhood)

No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)

No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire General Plan)

No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

No. 91-233, adopted on April 23, 1991, (Amendment to Modesto Urban Area General Plan Map - Fleur De Ville Subdivision)

and

WHEREAS, pursuant to the provisions of Government Code Section 65402 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, current and proposed zoning along Sisk Road has given rise to an amendment to the General Plan to revise the map to reflect the nonresidential zoning and development along the northwestern extension of Sisk Road, and

WHEREAS, on October 4, 1993, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to an application for rezoning from a partial zoning pattern established in late 1982, called Village of Westwood, to a new P-D Zone to allow a 37.2-acre commercial center featuring Target and Mervyn's Stores which stimulated the necessity for an amendment to the General Plan Map, and

WHEREAS, in addition to the above mentioned public hearing, a public hearing on the proposed General Plan Map amendment was held at the same time and place, and

WHEREAS, the Modesto City Planning Commission adopted Resolution No. 93-42, recommending to the City Council an amendment to the General Plan Map to reflect the nonresidential zoning and development along the northwest extension of Sisk

Road, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 9, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the General Plan Map to reflect the nonresidential zoning and development along the northwest extension of Sisk Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a mitigated negative declaration in regard to the environmental impact of the proposed General Plan amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the General Plan Map amendment to reflect the nonresidential zoning and development along the northwest extension of Sisk Road in the City of Modesto is required for the public health, safety and welfare for the following reason:

> The proposed commercial designation including both the neighborhood shopping center and the stretch along the northeast side of Sisk Road north of the Vintage Faire Regional Shopping Center will reflect current zoning and development as well as that projected, thus bringing consistency between the Zoning Map and the General Plan.

BE IT FURTHER RESOLVED by the Council that the General Plan Map be and hereby is amended to include a commercial area (Target) and the Wood Colony Neighborhood Shopping Center along the northeast side of Sisk Road north of Vintage Faire and at the southeast corner of Sisk Road and Pelandale Avenue, respectively, as shown on the map which is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination including mitigation measures in regard to the environmental impact of the subject project relating to the commercial area and the Wood Colony Neighborhood Shopping Center along the northeast side of Sisk Road north of Vintage Faire and at the southeast corner of Sisk Road and Pelandale Avenue, respectively, as shown on the map which is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan Map to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

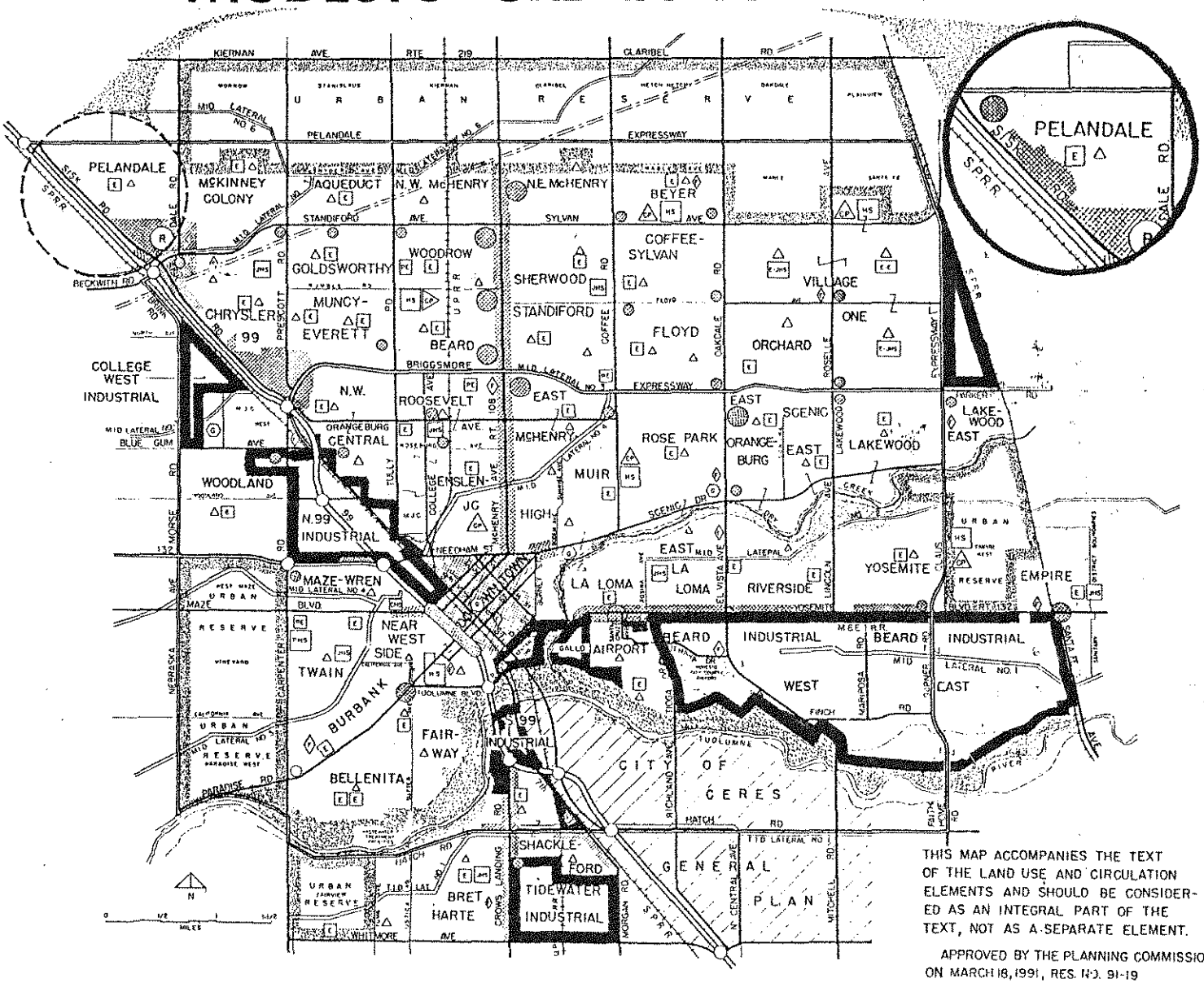
ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO URBAN AREA GENERAL PLAN



LAND USE

- RESIDENTIAL
- URBAN RESERVE
- COMMERCIAL
  - NEIGHBORHOOD CENTER
  - COMMUNITY CENTER
  - REGIONAL CENTER
  - GENERAL COMMERCIAL
- INDUSTRIAL
- MAJOR OPEN SPACES

PUBLIC AREAS

- PUBLIC SCHOOLS
  - ELEMENTARY
  - JUNIOR HIGH/SENIOR ELEMENTARY
  - HIGH
  - CONTINUATION HIGH
- PRIVATE SCHOOLS
  - ELEMENTARY
  - HIGH
- PARKS
  - COMMUNITY
  - NEIGHBORHOOD
- GOVERNMENT OFFICES
- FIRE STATIONS

CIRCULATION

- FREEWAYS (WITH INTERCHANGE)
- EXPRESSWAY
- MAJOR STREET
- COLLECTOR STREET
- RAILROAD
- HETCH HETCHY (AQUEDUCT)
- CANAL
- FLOODWAY AS DESIGNATED BY THE STATE RECLAMATION BOARD

THIS MAP ACCOMPANIES THE TEXT OF THE LAND USE AND CIRCULATION ELEMENTS AND SHOULD BE CONSIDERED AS AN INTEGRAL PART OF THE TEXT, NOT AS A SEPARATE ELEMENT.

APPROVED BY THE PLANNING COMMISSION ON MARCH 18, 1991, RES. NO. 91-19

APPROVED BY THE CITY COUNCIL ON APRIL 23, 1991, RES. NO. 91-233

EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 93-632

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(499). (TARGET STORES)

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by Target Stores, Attn: Jim Theusch on March 17, 1993, to reclassify from Planned Development Zone, P-D(381), Planned Development Zone, P-D(331), Planned Development Zone, P-D(332), and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow a commercial development on a 37.2-acre property located on the northeast side of Sisk Road, north of Vintage Drive, south of Akeby Drive and west of Gagos Drive, described as follows:

P-D(381) to P-D(499)

All that certain real property situate in a portion of the North half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel "D" as shown on map filed for record on October 17, 1978, in Book 28 of Parcel Maps, page 7, Stanislaus County Records, and being a portion of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.

Also including all of Vintage Drive immediately adjacent to the above described property.

P-D(331) to P-D(499)

All that certain real property situate in a portion of the North half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence North 89°53'51" West along the westerly extension of the north line of said Parcel "D" a distance of 57.64 feet to the centerline of a 60-foot wide Sisk Road; thence Northwesterly along said centerline of Sisk Road the following 3 courses: North 43°07'11" West 903.47 feet to a point on a nontangent curve from which a radial line bears North 46°52'23" East to the center, Northwesterly 489.05 feet along said nontangent curve, concave to the northeast, having a radius of 3000.22 feet and a central angle of 9°20'22", and North 33°47'07" West along a nontangent line a distance of 219.66 feet to the true Point of Beginning of this description; thence North 56°12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8°42'12"; thence North 34°45'42" West along a nontangent line a distance of 54.44 feet to the north line of said Section 11 as shown on map of "Wickford Place, Unit No. 1" recorded in Volume 32 of Maps, page 53, Stanislaus Country Records; thence South 89°24'45" West along said north line of Section 11 a distance of 420.38 feet to a point on a nontangent curve from which a radial line bears North 59°03'43" East to the center; thence Southeasterly 148.97 feet along said nontangent curve, being also said centerline of Sisk Road, concave to the northeast, having a radius of 3000.22 feet and a central angle of 2°50'42"; thence South 33°47'07" East along a nontangent line, being also said centerline of Sisk Road, a distance of 130.01 feet to the point of beginning.

<u>P-D(332) to P-D(499)</u>

All that certain real property situate in a portion of the North Half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence North 89°53'51" West along the westerly extension of the north line of said Parcel "D" a distance of 57.64 feet to the centerline of a 60-foot wide Sisk Road; thence Northwesterly along said centerline of Sisk Road the following 3 courses: North 43°07'11" West 903.47 feet

to a point on a nontangent curve from which a radial line bears North 46°52'23" East to the center, Northwesterly 489.05 feet along said nontangent curve, concave to the northeast, having a radius of 3000.22 feet and a central angle of 9°20'22", and North 33°47'07" West along a nontangent line a distance of 219.66 feet; thence North 56°12'12" East 280.74 feet; thence Northeasterly 75.95 feet along a tangent curve, concave to the southeast, having a radius of 500.00 feet and a central angle of 8°42'12"; thence South 33°09'07" East along a nontangent line a distance of 214.01 feet to a point on a nontangent curve from which a radial line bears North 56°13'02" East to the center; thence Southeasterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9°20'24"; thence South 43°07'11" East along a nontangent line 1236.17 feet to said north line of Parcel "D"; thence North 89°53'51" West along said north line of Parcel "D" a distance of 428.15 feet to the point of beginning.

R-3 to P-D(499)

All that certain real property situate in a portion of the North half of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the most westerly corner of Parcel "D" as shown on map filed for record in Book 28 of Parcel Maps, page 7, Stanislaus County Records; thence South 89°53'51" East along the north line of said Parcel "D" a distance of 428.15 feet to the true Point of Beginning of this description; thence North 43°07'11" West 1236.17 feet to a point on a nontangent curve from which a radial line bears North 46°52'38" East; thence Northwesterly 431.33 feet along said nontangent curve, concave to the northeast, having a radius of 2646.00 feet and a central angle of 9°20'24"; thence North 33°09'07" West along a nontangent line a distance of 214.01 feet; thence North 34°45'42" West 54.44 feet to the north line of said Section 11 as shown on map of "Wickford Place, Unit No. 1" recorded in Volume 32 of Maps, page 53, Stanislaus County Records; thence North 89°24'45" East along said north line of Section 11 a distance of 356.73 feet to a point on the northerly extension of the most westerly line of "Vintage Faire Village" as shown on map recorded in Volume 32 of Maps, page 33, Stanislaus County Records; thence Southeasterly along said most westerly line of "Vintage

Faire Village" and northerly extension thereof the following 3 courses: South 33°47'26" East 73.10 feet, Southeasterly 382.43 feet along a tangent curve, concave to the northeast, having a radius of 2346.00 feet and a central angle of 9°20'24", and South 43°07'50" East 207.99 feet to a point on the centerline of Setrok Drive, said point being on a nontangent curve from which a radial line bears South 34°20'36" East to the center; thence Northeasterly 409.90 feet along said nontangent curve, being also said centerline of Setrok Drive, concave to southeast, having a radius of 900.00 feet and a central angle of 26°05'43" to a point on the centerline of Gagos Drive, said point being on a nontangent curve from which a radial line bears North 79°48'12" East to the center; thence Southeasterly along said centerline of Gagos Drive the following 3 courses: Southeasterly 533.95 feet along said nontangent curve, concave to the northeast, having a radius of 700.00 feet and a central angle of 43°42'17" to a point of reverse curve, Southeasterly 531.38 feet along said reverse curve, concave to the southwest, having a radius of 700.00 feet and a central angle of 43°29'39", and South 10°24'26" East 226.97 feet to a point on the easterly extension of said north line of Parcel "D"; thence North 89°53'51" West along said north line of Parcel "D" and the easterly extension thereof a distance of 488.40 feet to the point of beginning.

and

WHEREAS, after a public hearing held on October 4, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-41, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will serve the best interests of the general public by providing needed goods and services and at the same time providing compatibility with the low-density residential neighborhood adjoining to the north, east, and southeast.

2. The proposed P-D Zone conforms to the General Plan which acknowledges commercial development on certain major streets and calls for emphasizing compatibility with surrounding residential areas.

3. The mitigated negative declaration of environmental impact recommended by the Environmental Assessment Committee on August 18, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on November 11, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Target Stores, Attn: Jim Theusch for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-41 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2874 -C.S. on the 9th day of November, 1993, reclassifying the above-described property from Planned Development Zone, P-D(381), Planned Development Zone, P-D(331), Planned Development Zone, P-D(332), and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(499).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(499), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled "Site Plan Target Shopping Center" as amended in red, stamped approved by the Planning Commission on October 4, 1993.

2. Street dedication and improvement consistent with the Standard Specifications or as revised by the Public Works and Transportation Director, shall be made prior to the issuance of a building permit and prior to occupancy, respectively, or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

3. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans. A median on Sisk Road shall be constructed in conjunction with improvement of this street to a major street standard as required by the Public Works and Transportation Director.

4. Prior to issuance a building permit, as a CEQA traffic mitigation measure, the developer shall deposit with the City of Modesto the sum of $304,926.01 to be used to mitigate traffic impacts in the County of Stanislaus in conjunction with the development of the Pelandale/Freeway 99 interchange. Said funds shall remain on deposit until such time that the County of Stanislaus and the developer have agreed to said sum to be the proper amount of the mitigation or shall agree to an alternate amount.

   With regard to the foregoing condition, the Planning Commission finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establishes:

   a. That the purpose of the fee to be paid to the County is to mitigate the impact of traffic generated by the project.

   b. That the fee will be used by the County to fund the County's portion of improvements to the Pelandale overcrossing of State Highway 99.

c. As set forth in the applicant's traffic study, shopping centers generate traffic, therefore there is a reasonable relationship between the use of the fee (to fund a portion of the cost of improvements to the Pelandale overcrossing of State Highway 99) and the type of development project on which the fee is imposed.

d. That as set forth in the applicant's traffic study, there is a reasonable relationship between the need for improvements to the Pelandale overcrossing of State Highway 99 and development projects of this type because the Pelandale overcrossing will receive a large portion of the approximate 16,989 new daily trips that will be generated by this project.

e. That as set forth in the letter from Stanislaus County Director of Public Works, H. R. Callahan, dated August 16, 1993, there is a reasonable relationship between the amount of the fee ($304,926.01) and the portion of the costs of improving the Pelandale overcrossing of State Highway 99 attributable to this development.

5. Prior to issuance of a building permit, the developer shall provide CEQA traffic mitigation measures as follows:

a. Make street dedications for two northbound bus turnouts, one just north of Vintage Drive and one just north of the project's central driveway on Sisk Road.

b. Submit plans and legal descriptions for the required dedications for approval by the Public Works and Transportation Director.

c. Submit to and receive approval of the Director of Public Works and Transportation of a neighborhood traffic control plan for the local streets in the Pelandale Neighborhood which are projected to be significantly impacted by the project's traffic. The Director's approval will require that the developer satisfy the requirements of the City's Speed Hump policy, acting as and performing the responsibilities

of the "petitioner" under that policy. The Director's approval will also require that the developer submit a traffic engineering feasibility analysis of the various traffic control devices (e.g., stop signs, traffic, circles, diverters, etc.) proposed in the neighborhood traffic control plan, addressing the specific locations where they are to be installed, phasing, and costs. It shall be the developer's responsibility to work with the neighborhood to ensure that affected residents have adequate opportunity to review and comment on the proposals, and provide their input as the plan is developed.

6. Prior to issuance of an occupancy permit, the developer shall provide CEQA traffic mitigation measures as follows:

   a. Fund one hundred percent (100%) of the cost of the neighborhood traffic control program.

   b. Install painted left-turn channelization on Vintage Drive in the vicinity of the project's driveway.

   c. Construct a traffic signal and widen the southbound off-ramp approach to two lanes at the Pelandale Avenue and Southbound Route 99 Ramps intersection, widen the east and west legs, and restripe the Pelandale overcrossing, unless these improvements are already constructed by others and in operation at the time an occupancy permit is issued, or unless some alternate temporary mitigation measure is implemented by Target, subject to the approval of Caltrans and the Public Works and Transportation Director, which prevents the existing level of service from deteriorating until the ultimate identified measures are completed. As a condition of issuance of an encroachment permit, Caltrans will require the developer to signalize and widen approaches at the Northbound Route 99 Ramps intersection also, if the Southbound Ramps intersection is signalized. To the extent that these improvements are eligible for CFF funding, the developer will be reimbursed in accordance with the agreement required by Condition 6d, which follows.

d. The developer shall enter into an agreement with the City for the reimbursement of some or all of the off-site improvement costs required by Condition 6c, above. Subject to agreement by both parties, such reimbursement may consist of a credit against the City fees for roadway capital facilities which the developer would otherwise be required to pay.

e. If, due to administrative requirements imposed by the public agencies involved, the off-site improvements at the Southbound freeway ramp intersection (required by Condition 6c, above) cannot be installed prior to when the developer desires issuance of the first occupancy permit, then the developer shall pay to the City 100% of the estimated cost of these required improvements. The cost estimates for these improvements are to be approved by the Public Works and Transportation Director.

7. Prior to issuance of an occupancy permit for Phase 2 of the development as defined by the April 2, 1993, traffic analysis by K. D. Anderson, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area, the developer shall construct a traffic signal at the project's central driveway on Sisk Road as a CEQA traffic mitigation measure.

8. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed in sequence with development phasing and along the entire north and east property lines as indicated on the approved plans. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

9. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   Eight-foot- (8') high decorative masonry wall along the entire north and east property lines as part of the first phase of development as indicated on the approved plans.

10. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

11. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

12. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

13. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

14. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

15. Except for the freestanding businesses along the Sisk Road frontage which have no business hour restrictions and for the month of December when the remaining occupancies are allowed 12:00 midnight closing, all businesses may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week, unless a use permit for each business seeking other hours is obtained from the Board of Zoning Adjustment.

16. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

17. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.

18. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7 a.m. and 10 p.m.

19. At least one of the four major anchor tenants shall be among the first uses to open for business in the entire shopping center.

20. All signs shall conform to the sign requirements of the C-3 Zone. No signs above eight feet (8') high shall be allowed on the northeast sides of the buildings located on the northeast half of the entire site.

21. Prior to issuance of a building permit, the developer shall file a parcel map application, lot line adjustment, or summary abandonment as necessary to sever the small land areas adjoining Setrock Drive and the Akeby Drive/Ashfield Way intersection. The developer shall be responsible for ongoing maintenance of these land areas unless and until such time as the owners of adjoining properties accept these areas as additions to their respective properties.

22. The developer shall provide the CEQA air quality mitigation measures as follows:

    a. **Bicycle Facilities.** The project shall include bicycle racks for patrons at convenient locations adjacent to the primary entrances of the major anchor tenants. Bicycle racks shall also be provided at each outlying pad. Bicycle racks shall be provided at time of occupancy of the respective businesses.

    b. **Transit Facilities/Incentives.** As part of the off-site improvements, two bus pullouts shall be constructed on Sisk Road adjacent to the project. These locations are on a future extension of a MAX route. To promote efficient operation, both pull-outs shall be built on the downstream side of an intersection which will be signalized in the future. Shelters shall be constructed at each location. Target and Mervyn's shall also subsidize transit passes a minimum of 50% for those employees electing to use transit.

c. **Transportation Coordinator.** The shopping center shall employ a Transportation Coordinator to provide employees with information regarding transportation options. The coordinator shall distribute transit information, coordinate employee carpools and enforce preferential carpool parking.

d. **Employee Ridesharing.** The shopping center shall use various methods to promote the use of carpools including as follows: preferential carpool spaces shall be designated near employee entrances; the Transportation Coordinator shall provide an on-site carpool matching service; Target and Mervyn's shall provide a Guaranteed Ride Home service for pool members who need an alternative during emergencies.

e. **Landscaping.** The shopping center site shall include a significant amount of landscaped area along the project boundaries. These areas shall include a variety of trees, shrubs and ground cover as reflected in Condition 8 above.

f. **On-site Amenities.** The Target Store shall include a snack bar for employees and patrons. This will provide an alternative to driving off-site to eat. On-site postal and ATM banking may be developed as the final tenant mix is determined.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(499):

The construction program be accomplished in two phases as follows:

Phase I, the south approximately 24.6 acres - Construction to begin on or before October 4, 1995, and completion to be not later than October 4, 1996.

Phase II, the remainder of the site - Construction to begin on or before October 4, 1996, and completion to be not later than October 4, 1997.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(499), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Planning and Community Development

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-633

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING AN AMENDMENT TO SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-D(381), P-D(331), P-D(332), AND R-3 TO P-D(499). (TARGET STORES)

WHEREAS, on August 18, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 11-3-8 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(381), Planned Development Zone, P-D(331), Planned Development Zone, P-D(332), and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(497), property located on the northeast side of Sisk Road, north of Vintage Drive, south of Akeby Drive and west of Gagos Drive might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

10/29/93--CA

OP0N0XDRsw

MODESTO CITY COUNCIL
RESOLUTION NO. 93-634

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REHABILITATION OF THE STORM WATER LIFT STATION AT TULLY AND BRIGGSMORE

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

SECTION 1. The specifications for the rehabilitation of the storm water lift station at Tully and Briggsmore , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 9, 1993, at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-635

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WATERLINE ON "I" STREET FROM 6TH STREET TO 8TH STREET

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

SECTION 1. The specifications for the waterline on "I" STreet from 6th to 8th Streets , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 9, 1993 at 11:05 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November 19 93, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-636

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF THE PARALLEL OUTFALL SEWER - SECONDARY TREATMENT PLANT TO STATION 122+46

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

SECTION 1. The specifications for the construction of the parallel outfall sewer - secondary treatment plant to Station 122+46 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 9, 1993, at 11:10 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-637

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT GIVING THE CITY THE AUTHORITY TO CONSTRUCT THE PARALLEL OUTFALL SEWER LINE WITHIN THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District, giving the City of Modesto the authority to construct the parallel outfall sewer line within their right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-638

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY GIVING THE CITY THE AUTHORITY TO CONSTRUCT THE PARALLEL OUTFALL SEWER LINE WITHIN THEIR RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, giving the City of Modesto the authority to construct the parallel outfall sewer line within their right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-639

Print

A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS FOR FISCAL YEAR 1993-94.

WHEREAS, the Transit Section's Disadvantaged Business Enterprise (DBE) Program adopted by Council on May 2, 1988, prescribes the establishment of an annual goal for DBE participation in transit contract awards, and

WHEREAS, the Urban Mass Transportation Administration (UMTA) requires each grantee to submit its DBE goal on an annual basis, and

WHEREAS, UMTA has recommended adoption of a 13% goal for Modesto, and

WHEREAS, UMTA has approved a draft copy of the City's Fiscal Year 1993-94 DBE goal,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt a DBE goal of 13% for participation in transit contract awards for Fiscal Year 1993-94.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-640

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVIN E. OHLSON 1991 TRUST FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin E. Ohlson 1991 Trust for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION 93-641

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE DEVELOPER CONTRIBUTION REVENUE FOR A NEW CIP PROJECT.

WHEREAS, as part of traffic mitigation requirements for development at the Standiford and Carver intersection, developers are required to pay for traffic signal improvements. The signal will be upgraded from simple fixed-time operation to fully actuated signals with protected-permissive left-turns (5-section signal heads).

WHEREAS, the developer's have made the following deposits in the City of Modesto trust fund: Developer on the southeast corner of Standiford and Carver has deposited $30,000, the developer on the southwest corner has deposited $111,135.

WHEREAS, the developer contribution of $30,000 that was to be placed in trust was erroneously deposited into account 610-510-9510-4201 Water Sales. This has been verified by the subdivision fees letter dated 2/16/89 and paid on 3/14/89. This resolution will schedule a transfer from Water fund to the Gas Tax fund to correctly appropriate these funds.

WHEREAS, it is now necessary to estimated these funds as revenue and appropriate the project.

Gas Tax Fund

Expenditures		
070-160-D358-6010	Standiford-Carver T/S Modify Engineering	16,500.
070-160-D358-6040	Standiford-Carver T/S Modify Construction	110,000.
070-160-D358-6050	Standiford-Carver T/S Modify Contingency	3,635.
070-160-D358-6060	Standiford-Carver T/S Modify Construction Administration	11,000.
Revenues		
070-510-9510-4057	Developer Share of Street Project	111,135.
070-700-7000-7610	Transfer-In from Water Fund (Developer Contribution)	30,000.

Water Fund

Expenditures		
610-700-7000-7070	Transfer Out to Gas Tax (Reimburse for deposit error)	30,000
610-800-8000-8003	Contingency Reserve	(30,000.)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-642

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SEND A LETTER TO THE COUNTY OF STANISLAUS REQUESTING THAT THE STANISLAUS COUNTY AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR INCLUDE THE CITY OF MODESTO IN THE ALTERNATIVE METHOD OF PROPERTY TAX DISTRIBUTION KNOWN AS THE "TEETER PLAN".

WHEREAS, Revenue and Taxation Code Sections 4701 through 4717 allow for an alternate method of property tax apportionment called the "Teeter Plan", and

WHEREAS, under the plan, a county provides local agencies with their full tax levy upfront rather than just giving them actual collections. In exchange, the county collects late taxes and the penalties that accrue on delinquent payments, and

WHEREAS, participation in the plan is strictly optional for cities, and

WHEREAS, City staff has determined that inclusion of the City of Modesto in the Teeter Plan would be beneficial to the City of Modesto because 100% of the taxes billed in a year would be received in that year and the City would not need to be concerned about collection of delinquent property taxes, and

WHEREAS, the plan will result in a one-time estimated net revenue gain to the General Fund of $397,003 in the current fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to send a letter to the County of Stanislaus requesting that the

Stanislaus County Auditor-Controller/Treasurer-Tax Collector include the City of Modesto in the alternative method of Property Tax distribution known as the "Teeter Plan".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-643

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION FOR THE FISCAL YEAR 1993-94.

WHEREAS, the representatives of the City and the Modesto Police Officers Association (MPOA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPOA for the Fiscal Year 1993-94, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association for the Fiscal Year 1993-94 is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

11/08/93

OP0N16QK/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-644

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LEEDSHILL-HERKENHOFF, INC. FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATION FOR DESIGN FOR NEW WATER/SEWER SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leedshill-Herkenhoff, Inc. for engineering services and construction administration for design for new water/sewer Supervisory Control and Data Acquisition (SCADA) system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-645

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, INC. FOR THE LEASE OF HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Executive Air Charter, Inc. for the lease of Hangar plots 1 and 2 at the Modesto City-County Airport

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Cogdill, Friedman
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-646

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK AVIATION FUEL, INC. FOR AN INCREASE IN THE TERM OF THEIR LEASE AT THE MODESTO CITY-COUNTY AIRPORT, TO 35 YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hendley-Skytrek Aviation Fuel, Inc. for an increase in the term of their lease at the Modesto City-County Airport, to 35 years be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk 4

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-647

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(500). (U.S. RENTAL, INC.)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by U.S. Rental, Inc. on September 16, 1993, to reclassify from Light Industrial Zone, M-1, to Planned Development Zone, P-D, to allow an expansion of the U.S. Rental facilities to include a concrete mixing system, property located on the south side of Coldwell Avenue west of Tully Road, described as follows:

M-1 to P-D(500)

All that certain real property situate in a portion 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:

Parcel 3 as shown on Parcel Map filed May 7, 1990, in Book 42, Page 98 of Parcel Maps in the Office of the County Recorder.

Including the Southerly 30 feet of Coldwell Avenue immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on October 18, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 93-46, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will allow for a land use that is compatible with other industrial uses located along Coldwell Avenue as provided for in the General Plan.

2. The approved plot plan, along with conditions of approval of the planned development zone will assure compatibility with other adjacent industrial uses.

3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated September 15, 1993, should be certified as adopted.

and

WHEREAS, after a public hearing held on November 16, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of U.S. Rental, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 93-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2878-C.S. on the 16th day of November, 1993, reclassifying the above-described property from Light Industrial Zone, M-1, to Planned Development Zone, P-D(500).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(500), is hereby approved subject to the following conditions:

1. All Development shall conform to the plot plan and floor plans titled "U.S. Rentals, Inc., 1331 Coldwell Avenue" as amended in red, stamped approved by the Planning Commission on October 18, 1993.

2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

3. Trash bins shall be kept in enclosures in accordance wit the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

4. All signs shall comply with the sign requirements of the M-1 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(500):

The entire construction program be accomplished in one phase, construction to begin on or before October 18, 1995, and completion to be not later than October 18, 1996.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(500), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Planning and Community Development

Clerk 4

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-648

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM M-1 TO P-D(500). (U.S. RENTAL, INC.)

WHEREAS, on September 15, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 30-3-9 of the Zoning Map of the City of Modesto to reclassify from Light Industrial Zone, M-1, to Planned Development Zone, P-D(500), property located on the south side of Coldwell Avenue west of Tully Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-649

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW SEWER LINE CAMERA AND RELATED EQUIPMENT

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

SECTION 1. The specifications for the purchase of one new sewer line camera and related equipment , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 6, 1993 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November 1993 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-650

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, BY A PUBLIC AUCTION, BY SCRAPPING THE EQUIPMENT, OR BY RETURNING THE EQUIPMENT TO THE MANUFACTURER.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses one (1) lot of SCADA System equipment, list attached, which has been placed into surplus, as this equipment is obsolete and has been replaced with state-of-the-art equipment, and

WHEREAS, said equipment could best be sold on a sealed bid basis, however, if said items of property do not sell on a sealed bid basis said property should then be sold at a public auction, and

WHEREAS, if the sealed bid process nor the auction process brings the desired results, then the equipment will be sold for scrap or returned back to the manufacturer of the equipment at no cost to the City,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder, one (1) lot of SCADA System equipment which is referred to above, which is hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap or returned back to the manufacturer of the equipment at no cost to the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

SUPERVISORY CONTROL AND DATA ACQUISITION EQUIPMENT (SCADA)

QTY	COMPONENT TYPE	SERIAL #
1	Hewlett Packard 9845B - Computer Monitor/Keyboard	1838A03712
1	HP 9133 Disk Drive (Model 9133XV)	2333A17204
1	HP 9878A I/O Expander	2331A07179
1	HP 2631G Printer	1935A01464
1	Hewlett Packard 9845B - Computer Monitor/Keyboard	1742A01261
1	HP 2631B Printer	
1	HP 6940B Multiprogrammer I/O Unit #1	2017A05157
1	HP 6941B Multiprogrammer Extender I/O Unit #2	2046A01721
1	HP 6941B Multiprogrammer Extender I/O Unit #3	2046A01729
1	HP 6274B DC Power Supply	2031A-05418
1	HP 6274B DC Power Supply	2031A-05401
1	HP 37230A Short Haul Modem	2002U00301
2	AC Connection Tables 115v/230v AC (F24-12) Within Cabinet	
1	AGASTAT Model 7012AK	81121055
1	Cabinet 32" x 25" x 6' with Fan & Circuit Breaker Box	
1	Cabinet 7'6" x 6' with Telephone Telemetry Enclosed	
1	HP2640B Screen Remote Terminal Unit	2045A14156
1	HP 2640-60187 Keyboard	
1	HP 37230A Short Haul Modem	2002U00302
1	SOLA Uninterruptible Power Supply (Catalog # 26-00-50750-3000)	
1	9' x 7' Mapboard Cabinet	
1	3' x 7' Pressure Point Chart Recorder Cabinet w/4 Bristol Chart Records	
1	5' x 7' H.O.A. Pump Control Switch Board Cabinet	
	MISC. - Documentation-Support Manuals-Tape Cartridges-I/O Printed Circuit Board Cards	

MODESTO CITY COUNCIL
RESOLUTION NO. 93-651

Print

A RESOLUTION ACCEPTING THE BID OF KSENCO CONSTRUCTION FOR THE INSTALLATION OF THE GRANGER-ARDMORE AVENUE AREA WATERLINE

WHEREAS, Resolution No. 93-524 , adopted by the Council of the City of Modesto on September 21 , 1993 , approved the plans and specifications for the installation of the Granger-Ardmore Avenue waterline
and authorized the calling for bids; and

WHEREAS, the bids received for the installation of the Granger-Ardmore Avenue area waterline
were opened at 11:05 a.m. on October 21, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ksenco Construction in the amount of $66,186
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ksenco Construction
be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November , 19 93 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-652

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $21,842 FOR THE INSTALLATION OF THE GRANGER-ARDMORE AVENUE AREA WATERLINE

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

FROM:	Tank 5 Construction (612 480 C118 6040)	$21,842
TO:	Alley waterline - Granger, Calder, Ardmore (612 480 C110 6040)	$21,842

The original project was under-budgeted and additional funds are needed to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th **day of** November **,** 19 93**, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-653

Print

A RESOLUTION ACCEPTING THE BID OF SCRIMSHER AND MINENI CONSTRUCTION FOR THE REHABILITATION OF SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE

WHEREAS, Resolution No. 93-566 , adopted by the Council of the City of Modesto on October 5 , 19 93 , approved the plans and specifications for rehabilitating sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place and authorized the calling for bids; and

WHEREAS, the bids received for rehabilitation of sewer lift stations - Muriel Avenue, Maze Boulevard and Mark Randy Place were opened at 11:00 a.m. on November 4, 19 93 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Scrimsher and Mineni Construction in the amount of $437,758.80 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Scrimsher and Mineni Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November , 19 93 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-654

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $92,000 TO COMPLETE THE REHABILITATION OF SEWER LIFT STATIONS - MURIEL AVENUE, MAZE BOULEVARD AND MARK RANDY PLACE

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

FROM:	Lift Station Rehabilitations (621 480 D319 6040)	$92,000
TO:	Design of Maze Lift Station Construction, Contingency and Inspection accounts	$92,000

The scope of work increased for the Maze Lift Station due to requirements imposed on the project by Caltrans because the lift station is in the State right of way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th **day of** November **,** 1993 **, by Councilmember** Dobbs **, who moved its adoption, which motion being duly seconded by Councilmember** Bird **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-655

A RESOLUTION ACCEPTING THE CONTROL BUILDING EXPANSION AT THE WATER QUALITY CONTROL PLANT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Control Building expansion at the Water Quality Control Plant has been completed by The McDonald Glenn Company in accordance with the contract agreement dated October 20, 1992.

NOW, THEREFORE, BE IT RESOLVED that the Control Building expansion at the Water Quality Control Plant be accepted from said contractor, The McDonald Glenn Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $632,966.08 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993 by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-656

Print

A RESOLUTION APPROVING AN AGREEMENT BEIWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE CITY OT PROVIDE INTERIM ASSISTANCE IN THE OPERATION OF THE COUNTY'S VEHICLE FLEET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for the City to provide interim assistance in the operation of the County's vehicle fleet

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-657

A RESOLUTION APPROVING A FINANCIAL AGREEMENT BETWEEN THE CITY OF MODESTO AND ANA LOPEZ, OWNER OF PROPERTY AT 342 COLORADO AVENUE, FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financial agreement between the City of Modesto and Ana Lopez, owner of property at 342 Colorado Avenue, for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-658

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HABITAT FOR HUMANITY, STANISLAUS CHAPTER, FOR A GRANT OF $20,000 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1993-94

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Habitat for Humanity, Stanislaus Chapter, for a grant of $20,000 under the Community Development Block Grant Program for FY 1993-94

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-659

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO APPROVING AN APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE FOLLOWING PROJECT: LAND ACQUISITION ADJACENT TO CLAUS ROAD.

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of ten (10) years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State, and

WHEREAS, the application contains assurances that the applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the

environmental enhancement and mitigation project,

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

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints J. Edward Tewes, City Manager, as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-660

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO REESTIMATE REVENUE AND EXPENDITURES REFLECTING THE PASSAGE OF PROPOSITION 172 WHICH EXTENDS THE STATEWIDE HALF-CENT SALES TAX AND ALLOCATES THE FUNDS TO LOCAL AGENCIES FOR PUBLIC SAFETY PURPOSES.

WHEREAS, the passage of Proposition 172 extends the statewide half-cent sales tax and allocates the funds to local agencies for public safety purposes, and

WHEREAS, the Forward Modesto IV task force on Security and Law Enforcement recommended hiring additional police personnel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

Revenue

010-510-9510-3172	Prop 172 Tax Allocation	$198,000.

Appropriations

010-190-1961-0110	Salaries & Wages	$105,156
010-190-1961-0188	Employee Benefits	$38,844.
010-180-1802-5748	EOC Equipment	$25,000.
010-180-1802-5749	Field Com Equip Upgrades	$29,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

15

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-661

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE POLICE HIRING SUPPLEMENTAL PROGRAM FOR SALARIES AND BENEFITS OF ADDITIONAL MODESTO POLICE OFFICERS TO WORK IN COMMUNITY ORIENTED POLICING.

WHEREAS, the United States Department of Justice is currently taking applications from law enforcement agencies for additional sworn police personnel, salaries and benefits, and

WHEREAS, with a population in excess of 150,000, the City of Modesto qualifies to apply for up to $2 million for a grant project of three years, and

WHEREAS, if selected, the City would decide at what financial level it desires to participate in and would be required to make a 50 percent match of funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the United States Department of Justice for a grant up to $2 million for a grant project of three years to provide additional sworn police personnel, salaries and benefits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-662

A RESOLUTION COMMENDING MODESTO POLICE OFFICER JOHNNY JOHNSTON FOR SIGNIFICANT CONTRIBUTIONS HE HAS MADE TO THE COMMUNITY OF MODESTO AND FOR HIS OUTSTANDING LAW ENFORCEMENT ACHIEVEMENTS AND NAMING OFFICER JOHNSTON THE 1993 RECIPIENT OF THE GERALD L. MC KINSEY ACHIEVEMENT AWARD.

WHEREAS, Modesto Police Officer Johnny Johnston began his law enforcement career on September 11, 1979, and

WHEREAS, Officer Johnston administered lifesaving CPR on a four-year-old boy on Christmas Day, 1972, and

WHEREAS, Officer Johnston served as a Neighborhood Youth Advisor from August 1973 to July 1976, and during that time Officer Johnston counseled hundreds of students, directing them toward lawful and purposeful lives, and

WHEREAS, Officer Johnston is currently assigned as a Drug Abuse Resistance Education Officer, teaching social and drug refusal skills to the children of our community, and

WHEREAS, Officer Johnston is also responsible for providing instruction and guidance to approximately 1,500 students at seven school sites, and

WHEREAS, Officer Johnston is positively shaping the future by influencing today's youth, and

WHEREAS, Officer Johnston is the Modesto Police Department's representative to the following boards and committees:

Stanislaus County Board on Substance Abuse
Stanislaus County Board on Alcohol Problems
Sober Graduation Committee
La Loma Junior High School Student Safety Committee
Red Ribbon Committee, and

WHEREAS, Officer Johnston is rated as "top notch" by school administrators who comment that his desire to make a positive difference in the lives of students is unmatched,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Police Officer Johnny Johnston is commended for his performance and involvement in community activities and is hereby named the 1993 recipient of the Gerald L. McKinsey Achievement Award for his law enforcement professionalism and for the significant contributions he has made to the Modesto community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

11/22/93 OPON17L8/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-663

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (STEWART W. BRADLEY, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-24-67 (Stewart W. Bradley, et ux) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the South half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of Lots 14 and 15 of the ADAMS COLONY, as per map filed October 21, 1908, in Volume 4 of Maps, Page 5, Stanislaus County Records, also being a portion of the East half of the East Half of the South half of Lot 1 of the O McHENRY RANCH, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue; thence along said Southern line of Merle Avenue, North 89°52'22" East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from the Western line of said Lots 14 and 15, and the true point of beginning of this description; thence along said parallel line, South 00°26'15" East, 1233.09 feet, to a point on the Northern line of the 140.00 foot wide Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 47.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.29 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 47.00 feet, to the point of beginning, containing 1.331 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 52-24-67A (Stewart W. Bradley, et ux) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the South half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of Lots 14 and 15 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, also being a portion of the East half of the East half of the South half of Lot 1 of the O MCHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue, and the true point of beginning of this description; thence along said Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 9.00 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from the Western line of said Lots 14 and 15; thence along said parallel line, South 00°26'15" East, 1233.00 feet, to a point on the Northern line of the 140.00 foot Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 22.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.09 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 13.00 feet, to the point of beginning, containing 0.623 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northwestern corner of said Lot 14, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 14, South 00°26'15" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Merle Avenue; thence along

said Southern line of 40.00 foot Merle Avenue, North 89°52'22" East, 60.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from the Western line of said Lots 14 and 15, and the true point of beginning of this description; thence along said parallel line, South 00°26'15" East, 1233.29 feet, to a point on the Northern line of the 140.00 foot Modesto Irrigation District Lateral No. 3; thence along said Northern line of Lateral No. 3, South 89°53'18" East, 11.00 feet, to a point on a line which is parallel with and 71.00 feet, measured at right angles, Easterly from said Western line of Lots 15 and 14; thence along said last mentioned parallel line, North 00°26'15" West, 1233.34 feet, to a point on the Southern line of 40.00 foot Merle Avenue; thence along the Southern line of 40.00 foot Merle Avenue, South 89°52'22" West, 11.00 feet, to the point of beginning, containing 0.311 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-664

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (E. B. POLAKIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

11/10/93--CA

OP0N16QB/lk

.AKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-78-06 (E. B. POLAKIS, et ux) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 1 of the O McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Lot 1; thence along the Northern line of Lot 1, South 89°51'58" West, 28.98 feet; thence South 62°58'37" East, 32.66 feet, to a point on the Eastern line of Lot 1; thence along said Eastern line of Lot 1, North 00°26'15" West, 14.91 feet, to the point of beginning, containing 216 square feet, more or less.

AKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 52-78-06A (E. B. POLAKIS, et ux) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 1 of the O McHENRY RANCH, as per map filed February 14, 1905 in Volume 2 of Maps, Page 7, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Lot 1; thence along the Eastern line of Lot 1, South 00°26'15" East, 14.91 feet, to the true point of beginning of this description; hence continuing along said Eastern line of Lot 1, South 00°26'15" East, 12.40 feet; thence North 62°58'37" West, 59.82 feet, to a point on the Northern line of Lot 1; thence along said Northern line of Lot 1, North 89°51'58" East, 24.10 feet; thence South 62°58'37" East, 32.66 feet, to the point of beginning, containing 509 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Lot 1; thence along the Eastern line of Lot 1, South 00°26'15" East, 335.08 feet, to a point on a non-tangent curve from which point a radial line bears South 79°18'48" East, and the true point of beginning of this description; thence Southerly along said non-tangent curve concave to the East, having a Radius of 479.00 feet, a Central Angle of 11°07'27" and an Arc Length of 93.00 feet, to its point of tangency on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from said Eastern line of Lot 1; thence along said parallel line, South 00°26'15" East, 460.42 feet, to a point on the Northern line of Parcel A, as per map filed July 12, 1978 in Book 27 of Parcel Maps, Page 55, Stanislaus County Records; thence along said Northern line of Parcel A, North 89°52'22" East, 9.00 feet, to a point on the Eastern line of Lot 1; thence along the Eastern line of Lot 1, North 00°26'15" West, 552.89 feet, to the point of beginning, containing 4,700 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-664A

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (E. B. POLAKIS, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-79-19 (E. B. POLAKIS, et ux) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26'15" West, 20.00 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along said Northern line of 40.00 foot Merle Avenue, North 89°52'22" East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from said Western line of Lot 11, and the true point of beginning of this description; thence along said parallel line, North 00°26'15" West, 527.52 feet, to a point on the Southern line of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along said Southern line of the City of Modesto property, North 89°51'48" East, 47.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said last mentioned parallel line, South 00°26'15" East, 527.53 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52'22" West, 47.00 feet, to the point of beginning, containing 0.569 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 52-79-19A (E. B. POLAKIS, et ux) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 11 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26'15" West, 20.00 feet, to a point on the Northern line of 40.00 foot Merle Avenue and the true point of beginning of this description; thence continuing along said Western line of Lot 11, North 00°26'15" West, 527.52 feet, to the Southwestern corner of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along the Southern line of said City of Modesto property, North 89°51'48" East, 13.00 feet, to a point on a line which is parallel with and 13.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said parallel line, South 00°26'15" East, 527.52 feet, to a point on said Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52'22" West, 13.00 feet, to the point of beginning, containing 0.157 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 11, said point being on the centerline of 40.00 foot Merle Avenue; thence along the Western line of Lot 11, North 00°26'15" West, 20.00 feet, to a point on the Northern line of said 40.00 foot Merle Avenue; thence along said Northern line of 40.00 foot Merle Avenue, North 89°52'22" East, 60.00 feet, to a point on a line which is parallel with and 60.00 feet, measured at right angles, Easterly from said Western line of Lot 11 and the true point of beginning of this description; thence along said parallel line, North 00°26'15" West, 527.53 feet, to a point on the Southern line of property conveyed to the City of Modesto by Grant Deed recorded March 3, 1992, as Instrument 018683, Stanislaus County Records; thence along said Southern line of the City of Modesto property, North 89°51'48" East, 11.00 feet, to a point on a line which

is parallel with and 71.00 feet, measured at right angles, Easterly from the Western line of Lot 11; thence along said last mentioned parallel line, South 00°26'15" East, 527.53 feet, to a point on the Northern line of 40.00 foot Merle Avenue; thence along the Northern line of 40.00 foot Merle Avenue, South 89°52'22" West, 11.00 feet, to the point of beginning, containing 0.133 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-665

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (ST. PETER LUTHERAN CHURCH)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

11/23/93--CA

OPON16QB/lk

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 52-78-07A (ST. PETER LUTHERAN CHURCH OF MODESTO) EXHIBIT A

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Southwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed July 12, 1978 in Book 27 of Parcel Maps, Page 55, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said Parcel A; thence along the Eastern line of Parcel A, North 00°26'15" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Northerly from the Southern line of Parcel A, said parallel line being the Northern line of a 10.00 foot Public Utility Easement in Parcel A, and the true point of beginning of this description; thence continuing along said Eastern line of Parcel A, North 00°26'15" West,395.00 feet, to the Northeastern corner of Parcel A; thence along the Northern line of Parcel A, South 89°52'22" West, 9.00 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A; thence along said last mentioned parallel line, South 00°26'15" East, 395.00 feet, to a point on said Northern line of 10.00 foot Public Utility Easement in Parcel A; thence along said Northern line of the 10.00 foot Public Utility Easement in Parcel A, North 89°52'22" East, 9.00 feet, to the point of beginning, containing 3,555 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-666

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (BILLIE C. HOLLOMAN)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public

good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

AKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-23-10 (Billie C. Holloman) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 7 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus Country Records, described as follows:

Beginning at the Southwestern corner of said Lot 7; thence along the Western line of Lot 7, North 00°26'15" West, 38.06 feet; thence South 62°58'37" East, 83.39 feet, to a point on the Southern line of Lot 7; thence along said Southern line of Lot 7, South 89°51'58" West, 73.99 feet, to the true point of beginning of this description, containing 1,408 square feet, more or less.

LAKEWOOD SEWER TRUNK
EMPORARY SEWER AND WATER EASEMENT
Parcel 52-23-10A (Billie C. Holloman) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 7 of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Lot 7; thence along the Western line of Lot 7, North 00°26'15" West, 38.06 feet, to the true point of beginning of this description; thence continuing along said Western line of Lot 7, North 00°26'15" West, 24.79 feet; thence South 62°58'37" East, 137.71 feet, to a point on the Southern line of Lot 7; thence along said Southern line of Lot 7, South 89°51'58" West, 48.20 feet; thence North 2°58'37" West, 83.39 feet, to the point of beginning, containing 2,423 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-867

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (SANDRA B. OSTELER, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-23-12 (Ms. Sandra B. Osteler, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the East half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

Beginning at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Southern line of the East half of the Southeast quarter of the Northwest quarter of Section 13, South 89°51'58" West, 28.98 feet; thence North 62°58'37" West, 706.94 feet, more or less, to a point on the West line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said West line, North 00°30'31" West, 203.60 feet; thence North 24°36'40" East, 418.31 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 468.00 feet, a Central Angle of 25°08'55" and an Arc Length of 205.42 feet; thence along a tangent line, North 00°32'15" West, 199.69 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, North 89°51'30" East, 64.00 feet; thence South 00°32'15" East, 199.25 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 532.00 feet, a Central Angle of 25°08'55" and an Arc Length of 233.51 feet; thence along a tangent line, South 24°36'40" West, 554.67 feet; thence South 62°58'37" East, 739.60 feet, more or less, to a point on the East line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said East line, South 00°26'15" East, 38.06 feet, to the point of beginning, containing 2.12 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-23-12A (Ms. Sandra B. Osteler, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the East half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Southern line of the East half of the Southeast quarter of the Northwest quarter of Section 13, South 89°51'58" West, 28.98 feet, to the true point of beginning of this description; thence continuing along said Southern line, South 89°51'58" West, 24.10 feet; thence North 62°58'37" West, 679.76 feet, more or less, to a point on the West line of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence along said West line, North 00°30'31" West, 12.40 feet; thence South 62°58'37" East, 706.94 feet, more or less, to the true point of beginning, containing 7,624 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the East line of the East half of the Southeast quarter of the Northwest quarter of Section 13, North 00°26'15" West, 38.06 feet, to the true point of beginning of this description; thence continuing along said East line, North 00°26'15" West, 24.79 feet; thence North 62°58'37" West, 707.08 feet; thence North 24°36'40" East, 533.58 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 554.00 feet, a Central Angle of 25°08'55" and an Arc Length of 243.17 feet; thence along a tangent line, North 00°32'15" West, 199.10 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 22.00 feet; thence South 00°32'15" East, 199.25 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 532.00 feet, a Central Angle of 25°08'55" and an

Arc Length of 233.51 feet; thence along a tangent line, South 24°36'40" West, 554.67 feet; thence South 62°58'37" East, 739.60 feet, more or less, to the point of beginning, containing 0.86 Acres, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 3

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said East half of the Southeast quarter of the Northwest quarter of Section 13; thence along the West line of the East half of the Southwest quarter of the Northwest quarter of Section 13, North 00°30'31" West, 526.27 feet, to the true point of beginning of this description; thence continuing along said West line, North 00°30'31" West, 42.40 feet; thence North 24°36'40" East, 379.91 feet; thence Northerly along a tangent curve concave to the West, having a Radius of 450.00 feet, a Central Angle of 25°08'55" and an Arc Length of 197.52 feet; thence along a tangent line, North 00°32'15" West, 199.82 feet, more or less, to a point on the Southern line of 40.00 foot Floyd Avenue; thence along said Southern line of 40.00 foot Floyd Avenue, North 89°51'30" East, 18.00 feet; thence South 00°32'15" East, 199.69 feet, more or less; thence Southerly along a tangent curve concave to the West, having a Radius of 468.00 feet, a Central Angle of 25°08'55" and an Arc Length of 205.42 feet; thence along a tangent line, South 24°36'40" West, 418.31 feet, more or less, to the point of beginning, containing 14,404 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-668

Print

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (JOHN A. CALCAGNO TRUST, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-23-13 (JOHN A. CALCAGNO TRUST, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

Commencing at the Southeastern corner of said West half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13, North 00°30′31" West, 322.68 feet, to the true point of beginning of this description; thence continuing along said Eastern line, North 00°30′31" West, 203.60 feet; thence South 24°36′40" West, 180.70 feet; thence South 62°58′37" East, 86.51 feet, to the point of beginning, containing 7,809 square feet, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-23-13A (JOHN A. CALCAGNO TRUST, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the West half of the Southeast quarter of said Northwest quarter of Section 13, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of said West half of the Southeast quarter of the Northwest quarter of Section 13; thence along the Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13, North 00°30'31" West, 310.28 feet, to the true point of beginning of this description; thence continuing along said Eastern line, North 00°30'31" West, 12.40 feet; thence North 62°58'37" West, 86.51 feet; thence North 24°36'40" East,180.07 feet, to a point on said Eastern line of the West half of the Southeast quarter of the Northwest quarter of Section 13; thence along said Eastern line, North 00°30'31" West, 42.40 feet; thence South 24°36'40" West, 229.34 feet; thence South 62°58'37" East, 109.79 feet, to the point of beginning, containing 4,770 square feet, more or less.

Said Temporary Construction Easement to terminate upon the filing of a Notice of Completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-669

Print

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (BEARDEN FAMILY LIMITED PARTNERSHIP)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

11/23/93--CA

OPON16QB/lk

AKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-23-03 (BEARDEN FAMILY LIMITED PARTNERSHIP, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51'30" East, 902.74 feet; thence North 00°32'15" West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32'15" West, 255.75 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 485.00 feet, a Central Angle of 25°21'52" and an Arc Length of 214.71 feet; thence along a tangent line, North 25°54'07" West, 923.58 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 1°21'22" and an Arc Length of 12.19 feet, to a point on the North line of Section 13, from which point a radial line bears North 65°27'15" East; thence along said North line of Section 13, North 89°50'09" East, 52.02 feet; thence South 25°54'07" East, 913.18 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 532.00 feet, a Central Angle of 25°21'52" and an Arc Length of 235.51 feet; thence along a tangent line, South 00°32'15" East, 256.07 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 47.00 feet, to the point of beginning, containing 1.52 acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-23-03A (BEARDEN FAMILY LIMITED PARTNERSHIP, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Northeast quarter of the Northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction pruposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51'30" East, 891.74 feet; thence North 00°32'15" West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32'15" West, 255.67 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 474.00 feet, a Central Angle of 25°21'52" and an Arc Length of 209.84 feet; thence along a tangent line, North 25°54'07" West, 923.58 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 526.00 feet, a Central Angle of 1°53'53" and an Arc Length of 17.42 feet, to a point on the North line of Section 13, from which point a radial line bears North 65°59'46" East; thence along said North line of Section 13, North 89°50'09" East, 12.05 feet, to a point on a non-tangent curve, from which point a radial line bears North 65°27'15" East; thence Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 1°21'22" and an Arc Length of 12.19 feet; thence along a tangent line, South 25°54'07" East, 923.58 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 485.00 feet, a Central Angle of 25°21'52" and an Arc Length of 214.71 feet; thence along a tangent line, South 00°32'15" East, 255.75 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 11.00 feet, to the point of beginning, containing 0.36 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southwestern corner of said Northeast quarter of the Northwest quarter of Section 13, said point being the intersection of the centerlines of 40.00 foot Floyd Avenue and 40.00 foot Esta Avenue; thence along said centerline of 40.00 foot Floyd Avenue, North 89°51'30" East, 949.74 feet; thence North 00°32'15" West, 20.00 feet, to a point on the Northern line of Floyd Avenue and the true point of beginning of this description; thence continuing North 00°32'15" West, 256.07 feet; thence Northwesterly along a tangent curve concave to the Southwest, having a Radius of 532.00 feet, a Central Angle of 25°21'52" and an Arc Length of 235.51 feet; thence along a tangent line, North 25°54'07" West, 913.18 feet, to a point on the North line of Section 13; thence along said North line of Section 13, North 80°50'09" East, 24.42 feet; thence South 25°54'07" East, 902.58 feet; thence Southerly along a tangent curve concave to the Southwest, having a Radius of 554.00 feet, a Central Angle of 25°21'52", and an Arc Length of 245.25 feet; thence along a tangent line, South 00°32'15" East, 256.22 feet, to a point on said Northern line of 40.00 foot Floyd Avenue; thence along the Northern line of 40.00 foot Floyd Avenue, South 89°51'30" West, 22.00 feet, to the point of beginning, containing 0.71 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-670

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (ALLEN R. BECK, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-02 (Allen R. Beck, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North one-half of the East one-half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue, and the true point of beginning of this description; thence continuing along said North-South quarter section line, South 00°17'35" East, 1287.15 feet; thence South 89°49'19" West, 38.88 feet; thence Westerly along a tangent curve concave to the South, having a Radius of 3968.00 feet, a Central Angle of 2°35'40" and an Arc Length of 179.68 feet; thence along a tangent line, South 87°13'39" West, 197.32 feet, to a point on the South line of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along said South line of the North one-half of the East one-half of the Southwest quarter of Section 12, South 89°49'19" West, 509.44 feet; thence North 2°46'21" West, 40.94 feet; thence at right angles, North 87°13'39" East, 706.23 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 4032.00 feet, a Central Angle of 2°35'40" and an Arc Length of 182.58 feet; thence along a tangent line, North 89°49'19" East, 6.76 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Westerly from the North-South quarter section line of Section 12; thence along said parallel line, North 00°17'35" West, 1223.14 feet, to a point on said Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, North 89°48'37" East, 32.00 feet, to the point of beginning, containing 2.12 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-20-02A (Allen R. Beck, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North one-half of the East one-half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of 40.00 foot Sylvan Avenue; thence along said Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 32.00 feet, to the true point of beginning of this description; thence continuing along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 22.00 feet, to a point on a line which is parallel with and 54.00 feet, measured at right angles, Westerly from said North-South quarter section line of Section 12; thence along said parallel line, South 00°17'35" East, 1201.16 feet, to a point on a non-tangent curve from which point a radial line bears South 00°23'39" East; thence Westerly along said non-tangent curve concave to the South, having a Radius of 4054.00 feet, a Central Angle of 2°22'42" and an Arc Length of 168.28 feet; thence along a tangent line, South 87°13'39" West, 717.23 feet; thence at right angles, South 2°46'21" East, 62.44 feet, to a point on the South line of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along said South line of the North one-half of the East one-half of the Southwest quarter of Section 12, North 89°49'19" East, 11.01 feet; thence North 2°46'21" West, 40.94 feet; thence North 87°13'39" East 706.23 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 4032.00 feet, a Central Angle of 2°35'40" and an Arc Length of 182.58 feet; thence North 89°49'19" East, 6.76 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Westerly from the North-South quarter section line of Section 12; thence along said last mentioned parallel line, North 00°17'35" West, 1223.14 feet, to the point of beginning, containing 1.07 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East 1287.15 feet, to the true point of beginning of this description; thence continuing South 00°17'35" East, 13.00 feet, to the Southeast corner of said North one-half of the East one-half of the Southwest quarter of Section 12; thence along the South line of said North one-half of the East one-half of the Southwest quarter of Section 12, South 89°49'19" West, 415.64 feet; thence North 87°13'39" East, 197.32 feet; thence Easterly along a tangent curve concave to the South, having a Radius of 3968.00 feet, a Central Angle of 2°35'40" and an Arc Length of 179.68 feet; thence along a tangent line, North 89°49'19" East, 38.88 feet, to the point of beginning, containing 3,477 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-671

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (ROBERT A. BECK, ET UX., TRUST)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And ~~Transportation~~
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-03 (ROBERT A. BECK, et ux, TRUST) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the West half of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue, and the true point of beginning of this description; thence continuing along said North-South quarter section line, South 00°17'35" East, 1287.15 feet; thence North 89°49'19" East, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Easterly from the North-South quarter section line of Section 12; thence along said parallel line, North 00°17'35" West, 1287.15 feet, to a point on said Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 15.00 feet, to the point of beginning, containing 0.44 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 52-20-03A (ROBERT A. BECK, et ux, TRUST) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the West half of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the interior quarter section corner of said Section 12, said point being on the centerline of 40.00 foot Sylvan Avenue; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 20.00 feet, to a point on the Southern line of said 40.00 foot Sylvan Avenue; thence along said Southern line, North 89°48'37" East, 15.00 feet , to a point on a line which is parallel with and 15.00 feet, measured at right angles, Easterly from said North-South quarter section line of Section 12, and the true point of beginning of this description; thence along said parallel line, South 00°17'35" East, 1287.15 feet; thence South 89°49'19" West, 15.00 feet, to a point on the North-South quarter section line of Section 12; thence along the North-South quarter section line of Section 12, South 00°17'35" East, 18.00 feet; thence North 89°49'19" East, 26.00 feet, to a point on a line which is parallel with and 26.00 feet, measured at right angles, Easterly from the North-South quarter section line of Section 12; thence along said last mentioned parallel line, North 00°17'35" West, 1305.15 feet, to a point on the Southern line of 40.00 foot Sylvan Avenue; thence along the Southern line of 40.00 foot Sylvan Avenue, South 89°48'37" West, 11.00 feet, to the point of beginning, containing 0.34 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-672

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (SCOTT A. BATES, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And ~~Transportation~~
Department - Engineering

LAKEWOOD TRUNK APN _____

AKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-06 (SCOTT A. BATES, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southeastern corner of said Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of the East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 865.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.35 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 468.00 feet, a Central Angle of 25°34'41" and an Arc Length of 208.93 feet; thence along a tangent line, South 25°54'07" East, 10.40 feet, to a point on the Southern line of Section 12; thence along said Southern line of Section 12, South 89°50'09" West, 52.02 feet, to a point on a non-tangent curve from which point a radial line bears North 65°27'15" East; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 24°13'19", and an Arc Length of 217.72 feet; thence North 00°19'26" West, 284.47 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2", North 89°49'51" East, 47.00 feet, to the point of beginning, containing 0.54 Acres, more or less.

LAKEWOOD TRUNK APN _____

.AKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-20-06A (SCOTT A. BATES, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of said East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 912.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.47 feet; thence Southeasterly along tangent curve concave to the Northeast, having a Radius of 515.00 feet, a Central Angle of 24°13'19", and an Arc Length of 217.72 feet, to a point on the South line of Section 12, from which point a radial line bears North 65°27'15" East; thence along said South line of Section 12, South 89°50'09" West, 12.05 feet, to a point on a non-tangent curve from which point a radial line bears North 65°59'46" East; thence Northwesterly along said non-tangent curve concave to the Northeast, having a Radius of 526.00 feet, a Central Angle of 23°40'48", and an Arc Length of 217.39 feet; thence along a tangent line, North 00°19'26" West, 284.50 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2"; North 89°49'51" East, 11.00 feet, to the point of beginning, containing 5,522 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Southeastern corner of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, said point being on the East line of said East half of the Southwest quarter of Section 12; thence along the Southern line of said Parcel "2", South 89°49'51" West, 843.42 feet, to the true point of beginning of this description; thence South 00°19'26" East, 284.29 feet; thence Southeasterly along a tangent curve concave to the Northeast, having a Radius of 446.00 feet, a Central Angle of 25°34'41", and an Arc Length of 199.10 feet; thence along a tangent line, South 25°54'07" East, 21.00 feet, to a point on the South line of Section 12; thence along said South line of Section 12, South 89°50'09" West, 24.42 feet; thence North 25°54'07" West,

10.40 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 468.00 feet, a Central Angle of 25°34'41" and an Arc Length of 208.93 feet; thence North 00°19'26" West, 284.35 feet, to a point on said Southern line of Parcel "2"; thence along the Southern line of Parcel "2", North 89°49'51" East, 22.00 feet, to the point of beginning, containing 11,089 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-673

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (McHENRY BOWL, INC., ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

_AKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-64 (MCHENRY BOWL, INC., et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 7, 1981 in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line of Parcel "2", South 89°49'31" West, 865.63 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "2", South 89°49'31" West, 47.00 feet; thence along a line parallel with the Western line of Parcel "2", South 00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", North 89°49'51" East, 47.00 feet; thence along a line parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the point of beginning, containing 0.42 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-20-64A (MCHENRY BOWL, INC., et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southeast quarter of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 7, 1981, in Book 32 of Parcel Maps, Page 76, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line of Parcel "2", South 89°49'31" West, 912.63 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "2", South 89°49'31" West, 11.00 feet; thence along a line parallel with the Western line of Parcel "2", South 00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", North 89°49'51" East, 11.00 feet; thence along a line parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the point of beginning, containing 4,293 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "2"; thence along the Northern line of Parcel "2", South 89°49'31" West, 843.63 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "2", South 89°49'31" West, 22.00 feet; thence along a line parallel with the Western line of Parcel "2", South 00°19'26" East, 390.29 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", North 89°49'51" East, 22.00 feet; thence along a line parallel with said Western line of Parcel "2", North 00°19'26" West, 390.29 feet, to the point of beginning, containing 8,586 square feet, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-674

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE LAKEWOOD SEWER TRUNK INTO VILLAGE ONE. (JAMES LAMATIS, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Lakewood Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

LAKEWOOD SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 52-20-51 (JAMES LAMATIS, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 8, 1971, in Book 12 of Parcel Maps, Page 83, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of said Parcel "A"; thence along the Northern line of Parcel "A", South 89°49'19" West, 415.64 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "A", South 89°49'19" West, 509.44 feet; thence South 2°46'21" East, 285.73 feet; thence South 00°19'26" East, 151.45 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", North 89°49'31" East, 47.00 feet; thence North 00°19'26" West, 152.59 feet; thence North 2°46'21" West, 263.67 feet; thence North 87°13'39" East, 461.91 feet, to the point of beginning, containing 0.58 Acres, more or less.

LAKEWOOD SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENTS
Parcel 52-20-51A (JAMES LAMATIS, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the East half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 8, 1971, in Book 12 of Parcel Maps, Page 83, Stanislaus County Records, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel "A"; thence along the Northern line of Parcel "A", South 89°49'19" West, 925.08 feet, to the true point of beginning of this description; thence continuing along said Northern line of Parcel "A", South 89°49'19" West, 11.01 feet; thence South 2°46'21" East, 286.00 feet; thence South 00°19'26" East, 151.18 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", North 89°49'31" East, 11.00 feet; thence North 00°19'26" West, 151.45 feet; thence North 2°46'21" West, 285.73 feet, to the point of beginning, containing 0.11 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Beginning at the Northeastern corner of said Parcel "A"; thence along the Eastern line of Parcel "A", South 00°17'35" East, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southerly from the Northern line of said Parcel "A"; thence along said parallel line, South 89°49'19" West, 38.92 feet; thence Westerly along a tangent curve concave to the South, having a Radius of 3950.00 feet, a Central Angle of 2°35'40" and an Arc Length of 178.86 feet; thence along a tangent line, South 87°13'39" West, 637.23 feet; thence South 2°46'21" East, 246.14 feet; thence South 00°19'26" East, 153.12 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", South 89°49'31" West, 22.00 feet; thence North 00°19'26" West, 152.59 feet; thence North 2°46'21" West, 263.67 feet; thence North 87°13'39" East, 461.91 feet, to a point on said Northern line of Parcel "A"; thence along the Northern line of Parcel "A", North 89°49'19" East, 415.64 feet, to the point of beginning, containing 0.48 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-675

Print

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (RONALD L. LaFORCE, ET AL.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And ~~Transportation~~
Department - Engineering

SONOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-09-12 (LaForce, et al) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North half of the South half of the South half of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11, and the true point of beginning of this description; thence continuing North 00°32'10" West, 331.17 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11; thence along said last named line, North 89°40'33" West, 47.01 feet; thence South 00°32'10" East, 331.18 feet, more or less, to a point on said Northern line of the South half of the South half of the South half of the Southwest quarter of Section 11; thence along said last mentioned line, South 89°41'13" East, 47.01 feet, to the point of beginning, containing 0.357 Acres, more or less.

SONOMA SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 77-09-12A (LaForce, et al) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the North half of the South half of the South half of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 22.00 feet wide, measured at right angles, lying adjacent to and Easterly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11, and the true point of beginning of this description; thence continuing North 00°32'10" West, 331.17 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11, and the end of this description, containing 0.167 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11; thence along said last mentioned Northern line, North 89°41'13" West, 47.01 feet, to the true point of beginning of this description; thence North 00°32'10" West, 331.18 feet, more or less, to a point on the Northern line of said North half of the South half of the South half of the Southwest quarter of Section 11, and the end of this description, containing 0.084 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-676

Print

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (MODESTO VENTURE 168)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public

good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

JNOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-09-13 (Modesto Venture 168) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet, to the true point of beginning of this description; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11; thence along said last named line, North 89°41'13" West, 47.00 feet; thence South 00°32'10" East, 310.58 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from said South line of Section 11; thence along said parallel line, North 89°41'13" West, 671.45 feet; thence at right angles, South 00°18'47" West, 20.00 feet, to a point on the South line of Section 11; thence along the outh line of Section 11, South 89°41'13" East, 718.75 feet, to the point of beginning, containing 0.665 Acres, more or less.

SONOMA SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 77-09-13A (MODESTO VENTURE 168) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 22.00 feet wide, measured at right angles, lying adjacent to and Easterly of the following described line:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 624.54 feet to the true point of beginning of this description; thence North 00°32'10" West, 330.58 feet, to a point on the Northern line of the South half of the South half of the South half of said Southwest quarter of Section 11, and the end of this description, containing 0.167 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

PARCEL 2

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the South quarter section corner of said Section 11; thence along the South line of Section 11, North 89°41'13" West, 1343.29 feet, to the true point of beginning of this description; thence continuing along said South line of Section 11, North 89°41'13" West, 22.00 feet; thence North 00°18'47" East, 42.00 feet, to a point on a line which is parallel with and 42.00 feet, measured at right angles, Northerly from the South line of Section 11; thence along said parallel line, South 89°41'13" East, 682.12 feet; thence North 00°32'10" West, 288.58 feet, to a point on the North line of the South one-half of the South one-half of the South one-half of the Southwest quarter of Section 11; thence along said last named line, South 89°41'13" East, 11.00 feet; thence South 00°32'10" East, 310.58 feet, to a point on a line which is parallel with and 20.00 feet, measured at right angles, Northerly from the South line of Section 11; thence along said last mentioned parallel line, North 89°41'13" West, 671.45 feet; thence South 00°18'47" West, 20.00 feet, to the point of beginning, containing 0.433 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-677

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (JOHN MAGADDINO, ET UX.)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public

good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And ~~Transportation~~
Department - Engineering

SONOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-09-25 (JOHN MAGADDINO, et ux) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed January 31, 1966, in Book 1 of Parcel Maps, Page 41, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of said Parcel A; thence along the Eastern line of Parcel A, South 00°34'03" East, 32.00 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Southerly from the Northern line of Parcel A; thence along said parallel line, North 89°40'18" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel A; thence along said last mentioned parallel line, North 00°34'03" West, 32.00 feet, to a point on said Northern line of Parcel A; thence along the Northern line of Parcel A, South 89°40'18" East, 15.00 feet, to the point of beginning, containing 0.011 Acres, more or less.

SONOMA SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 77-09-25A (JOHN MAGADDINO, et ux) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed January 31, 1966 in Book 1 of Parcel Maps, Page 41, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, described as follows:

Commencing at the Northeastern corner of said Parcel A; thence along the Northern line of Parcel A, North 89°40′18" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A, and the true point of beginning of this description; thence along said parallel line, South 00°34′03" East, 32.00 feet, to a point on a line which is parallel with and 32.00 feet, measured at right angles, Southerly from said Northern line of Parcel A; thence along said last mentioned parallel line, South 89°40′18" East, 15.00 feet, to a point on said Eastern line of Parcel A; thence along the Eastern line of Parcel A, South 00°34′03" East, 22.00 feet, to a point on a line which is parallel with and 54.00 feet, measured at right angles, Southerly from the Northern line of Parcel A; thence along said last mentioned parallel line, North 89°40′18" West, 26.00 feet, to a point on a line which is parallel with and 26.00 feet, measured at right angles, Westerly from the Eastern line of Parcel A; thence along said last mentioned parallel line, North 00°34′03" West, 54.00 feet, to a point on the Northern line of Parcel A; thence along the Northern line of Parcel A, South 89°40′18" East, 11.00 feet, to the point of beginning, containing 0.021 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-678

Print

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (OAKDALE PARK LP)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public

good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

SONOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-33-07 (Oakdale Park LP) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 31, 1987 in Book 40 of Parcel Maps, Page 38, Stanislaus County Records, described as follows:

Beginning at the Southeastern corner of said Parcel "2"; thence along the Eastern line of Parcel "2", North 00°38'26" West, 882.97 feet, to a Northeastern corner of Parcel "2"; thence along a Northern line of Parcel "2", North 89°44'38" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel "2"; thence along said parallel line, South 00°38'26" East, 882.97 feet, to a point on the Southern line of Parcel "2"; thence along said Southern line of Parcel "2", South 89°45'17" East, 15.00 feet, to the point of beginning, containing 0.304 Acres, more or less.

SONOMA SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 77-33-07A (Oakdale Park LP) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "2", as per map filed December 31, 1987, in Book 40 of Parcel Maps, Page 38, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the Eastern 15.00 feet, measured at right angles, of said Parcel "2", containing 0.223 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-678A

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF EXTENDING THE SONOMA SEWER TRUNK INTO VILLAGE ONE. (MODESTO CITY SCHOOL DISTRICT)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of extending the Sonoma Sewer Trunk,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a

manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal descriptions, marked Exhibits "A" and "B", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibits "A" and "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

JNOMA SEWER TRUNK
EASEMENT FOR PUBLIC UTILITIES
Parcel 77-33-10 (MODESTO CITY SCHOOLS DISTRICT) EXHIBIT A

An easement for public utilities to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 17, 1978 in Book 28 of Parcel Maps, Page 3, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Parcel "A"; thence along the Southern line of Parcel "A", North 89°44'38" West, 10.00 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Westerly from the Eastern line of Parcel "A", and the true point of beginning of this description; thence along said parallel line, said line being the Western line of an existing 10.00 foot wide public utility easement, North 00°38'26" West, 375.05 feet, to a point on a line which is parallel with and 10.00 eet, measured at right angles, Southerly from the Northern line of Parcel "A"; thence along said last mentioned parallel line, said line being the Southern line of an existing 10.00 foot wide public utility easement, North 89°44'38" West, 5.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from said Eastern line of Parcel "A"; thence along said last mentioned parallel line, South 00°38'26" East, 375.05 feet, to a point on the Southern line of Parcel "A"; thence along said Southern line of Parcel "A", South 89°44'38" East, 5.00 feet, to the point of beginning, containing 0.043 Acres, more or less.

,ONOMA SEWER TRUNK
TEMPORARY SEWER AND WATER EASEMENT
Parcel 77-33-10A (MODESTO CITY SCHOOLS DISTRICT) EXHIBIT B

A temporary construction easement to install sewer and water facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus, City of Modesto:

All that portion of the Southwest quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Parcel "A", as per map filed October 17, 1978 in Book 28 of Parcel Maps, Page 3, Stanislaus County Records, described as follows:

A temporary sewer and water easement for construction purposes, terminating at the end of construction, being a continuous strip of land 11.00 feet wide, measured at right angles, lying adjacent to and Westerly of the following described line:

Commencing at the Southeastern corner of said Parcel "A"; thence along the Southern line of Parcel "A", North 89°44'34" West, 15.00 feet, to a point on a line which is parallel with and 15.00 feet, measured at right angles, Westerly from the Eastern line of Parcel "A", and the true point of beginning of this description; thence along said parallel line, North 00°38'26" West, 375.05 feet, to a point on a line which is parallel with and 10.00 feet, measured at right angles, Southerly from the Northern line of Parcel "A" and the end of this description, containing 0.095 Acres, more or less.

Said temporary construction easement to terminate upon the filing of a notice of completion for the construction of said sewer and water facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-679

A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES OF WIDENING SCENIC AVENUE IMMEDIATELY EAST OF OAKDALE ROAD. (SELDON J. GRAHAM)

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on November 23, 1993, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of widening Scenic Avenue immediately east of Oakdale Road,

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.

2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404, by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610, and by Article I, Section 19 of the California Constitution.

3. The proposed project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Public Works And Transportation
Department - Engineering

EXHIBIT A

Parcel 67-25-5 (Graham)

All that portion of the Southwest quarter of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the Southeast corner of that 1.195 acre parcel of land shown on that Record of Survey recorded in Book 8 of Surveys, at Page 47, Stanislaus County Records, said point being on the Northerly line of Scenic Drive, 25 feet wide, and on the East line of that parcel of land conveyed to Gerald H. Graham and wife by deed recorded on August 29, 1932 in Volume 479 of Official Records, at Page 29, Stanislaus County Records, as Instrument 8367; thence Northerly, along the Easterly property line of the said Graham parcel of land, North 00° 11′ 42" East, 30.24 feet, to a point on a non-tangent curve from which point a radial line bears South 07° 16′ 58" West; thence Westerly along said non-tangent curve concentric to the existing Northerly line of Scenic Drive and concave to the Southwest, having a Radius of 1009.93 feet, a Central Angle of 08° 22′ 10" and an Arc Length of 147.52 feet, to a point on the West line of said 1.195 acre parcel of said Graham property, from which point a radial line bears South 01° 05′ 12" East; thence along said West line of the 1.195 acre parcel of the Graham property, South 00° 50′ 45" East, 30 feet, to a point on the Northerly line of Scenic Drive, from which a radial line bears South 01° 05′ 38" East; thence Easterly on the Northerly line of Scenic Drive on a curve concave to the Southwest, having a Radius of 979.93 feet, a Central Angle of 08° 35′ 42" and an Arc Length of 147.00 feet, to the point of beginning, containing 0.101 Acres (4418 square feet) more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 93-680

Print

A RESOLUTION ACCEPTING THE 1993 STREET CAPE SEALS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works , that the 1993 street cape seals

has been completed by Valley Slurry Seal Company

in accordance with the contract agreement dated July 13, 1993 .

NOW, THEREFORE, BE IT RESOLVED that the 1993 street cape seals project

be accepted from said contractor, Valley Slurry Seal Company ;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $351,574.03 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993 by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-681

Print

A RESOLUTION ACCEPTING THE WIDENING OF SCENIC DRIVE EAST OF COFFEE ROAD TO ROSE AVENUE, SOUTH SIDE, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the widening of Scenic Drive ease of Coffee Road to Rose Avenue, south side has been completed by George Reed, Inc. in accordance with the contract agreement dated June 22, 1993.

NOW, THEREFORE, BE IT RESOLVED that the widening of Scenic Drive east of Coffee Road to Rose Avenue, south side be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $182,296.42 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-682

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORA NARAGHI FOR THE ACQUISITION OF A PERMANENT AND TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nora Naraghi for the acquisition of a permanent and temporary easement for the Sonoma sewer trunk

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-683

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM DAVID H. THOMPSON FOR THE ACQUISITION OF 2,569+ SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE SCENIC - EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David H. Thompson for the acquisition of 2,569± square feet of right of way needed for the Scenic - east of Oakdale widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from David H. Thompson for the Scenic - east of Oakdale widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Judy C. Hall
ACTING CITY CLERK JUDY C. HALL

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-684

A RESOLUTION APPROVING AN AGREEMENT AND ACCEPTING REAL PROPERTY FROM ANDREW J. PULIZZI FOR THE ACQUISITION OF 1,775+ SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE SCENIC - EAST OF OAKDALE WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Andrew J. Pulizzi for the acquisition of 1,775± square feet of right of way needed for the Scenic - east of Oakdale widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the real property from Andrew J. Pulizzi for the Scenic - east of Oakdale widening project be accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Judy C. Hall
Acting City Clerk Judy C. Hall

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-685

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY REINVESTMENT FUND, INC. TO PROVIDE LOAN SERVICING FOR THE HOUSING AND ECONOMIC DEVELOPMENT LOAN PORTFOLIOS FOR THE COMMUNITY DEVELOPMENT PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Reinvestment Fund, Inc. to provide loan servicing for the Housing and Economic Development Loan Portfolios for the Community Development Program Office

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 19 93, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-636

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE TUOLUMNE RIVER REGIONAL PARK TRAIL PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the State, and

WHEREAS, the proposed Tuolumne River Regional Park Trail project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from Capital Facilities Fees, and can finance 100 percent of the project, half of which will be reimbursed, and

3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and

4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-587

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by the Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Industrial Waste Inspector I/II

Events Supervisor

The revised specifications for the classification of Industrial Waste Inspector I/II, as shown on the attached Exhibit "A", and Events Supervisor, as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Events Coordinator

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

NOVEMBER, 1993
No. 3266
No. 3265

CITY OF MODESTO

INDUSTRIAL WASTE INSPECTOR I
INDUSTRIAL WASTE INSPECTOR II

DEFINITION

To inspect, sample, monitor and regulate commercial and industrial facilities discharge within the City sewerage system for compliance with industrial waste permits; assess user charges and penalties for sewer service; and to act as liaison between the City and industrial dischargers.

DISTINGUISHING CHARACTERISTICS

INDUSTRIAL WASTE INSPECTOR I - This is the entry level class in the Industrial Waste Inspector series. This class is distinguished from the Industrial Waste Inspector II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited related work experience.

Industrial Waste Inspector II - This is the full journey level class within the Industrial Waste Inspector series. Employees within this class are distinguished from the Industrial Waste Inspector I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Industrial Waste Inspector I

Receives immediate supervision from the Industrial Waste Supervisor.

Industrial Waste Inspector II

Receives general supervision from the Industrial Waste Supervisor.

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

Inspect, sample, and monitor flow of industrial dischargers within the City; gather, interpret and extrapolate information from industrial discharger and various departments within the City to insure compliance with Federal, State, and local environmental discharge requirements.

Exhibit "A"

Receive requests from industries for changes in discharge permits; compile information for issuance of industrial waste permits.

Act as a liaison between the City and industrial dischargers; develop communication with industries; inform them of inspection requirements; meet with industry personnel on permit violations; notify them of categorical standard, sludge and hazardous waste disposal practices.

Monitor categorical liquid waste haulers; assist in the issuing and monitoring of permit holders who wish to discharge at the treatment plant.

Pick up and deliver samples of industrial discharge for laboratory testing for calculation of sewer billing.

Monitor industry flow to see that industrial pretreatment equipment is operating properly.

Advise industry on ways to achieve greater industrial waste control; make suggestions to industry on ways they benefit from efficient pretreatment processes.

Evaluate construction at industry sites to assure compliance with industrial waste permit; evaluate construction plans with actual construction to prevent unapproved changes.

Assist industry in proper reporting of tracking logs.

Conduct tours of treatment plant to industry personnel; educate industrial personnel of the operations of a sewage treatment plant.

Investigate complaints; keep records and prepare reports.

Calculate flow date from influent and effluent meters to assess hydraulic loading from each industry; read meters; prepare flow sheet for monthly meter readings.

Gather laboratory information from City and industries privately contracted labs.

Clean and maintain sampling units according to standard methods.

Prepare monthly billing records for industries.

EXAMPLES OF DUTIES (continued)

May assist in the training of new staff.

Inspect industries according to EPA regulations.

Perform related duties as assigned.

QUALIFICATIONS

Industrial Waste Inspector I

Knowledge of:

Process of sewage treatment.

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

Operation and maintenance of equipment used for the monitoring and control of industrial discharge and waste.

Procedures and materials used in chemical, biochemical and bacteriological laboratory tests and analysis.

Methods and techniques used in monitoring sewer systems.

Uniform plumbing codes as they apply to grease traps and industrial wastewater.

Industrial processes producing waste to the waste stream.

Methods used in industrial waste control.

Sampling techniques and preservations.

Ability to:

Evaluate safety hazards.

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

Read and interpret blueprints.

Conduct inspections.

Gather, interpret and present data.

Establish effective relations with industry personnel.

Ability to: (continued)

Conduct field laboratory tests.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Three years of experience as a Wastewater Treatment Plant Operator.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in industrial waste inspection or a related field is desirable.

License or Certificate

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

A valid Grade II Wastewater Treatment Operator certificate as issued by the State of California is highly desirable.

Possession of a Grade I Industrial Waste Inspector Certificate issued by the California Water Pollution Control Association (C.W.P.C.A.), or the ability to obtain one within 2 1/2 years of appointment. Failure to obtain said certificate will constitute grounds for termination.

Industrial Waste Inspector II

In addition to the qualifications for Industrial Waste Inspector I:

Experience:

Eighteen (18) months of experience as an Industrial Waste Inspector I with the City of Modesto, or two years experience as an Industrial Waste Inspector in a public agency.

License or Certificate

Possession of a Grade II Industrial Waste Inspector Certificate issued by the C.W.P.C.A., or the ability to obtain one within 4 1/2 years of appointment. Failure to obtain said certificate will be grounds for demotion to first-level Industrial Waste Inspector.

CITY OF MODESTO
No. 2795

November, 1993

EVENTS SUPERVISOR

DEFINITION

Under direction, supervise and coordinate the needs and services of lessees for events at the Modesto Centre Plaza. This work includes booking, scheduling, planning, and supervision of events.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

EXAMPLES OF DUTIES

Booking, scheduling, and sales of Centre Plaza events.

Working with Centre Plaza users to plan the execution of their events, including equipment, personnel, and services.

Supervise Centre Plaza events while in progress. This includes some evening and weekend events.

Prepare event settlements and evaluations.

Supervise Centre Plaza parking operations including hiring and supervision of personnel; recording and depositing monies collected.

Operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing.

Record, transfer and process all monies that the Centre generates through ticket sales, rental deposits and settlement, novelty sales and other.

Assist in budget preparation and administration.

Respond to facility user complaints and inquiries.

Maintain and update as needed: rental agreement, permit agreements, and associated rules and regulations for events and outside services; service manuals, box office manuals, and operation manual for contracted services and center personnel; evaluation procedures for catering, concessions, and decorators who provide services.

EVENTS SUPERVISOR November 1993

Maintain records and prepares reports and correspondence, as necessary, related to events and facility use.

Perform other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques for scheduling, booking, planning, servicing and coordinating a variety of theatrical, entertainment, meeting, banquet, and convention events.

Basic accounting as used in event and box office bookkeeping and settlement.

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and other operational needs of community/convention center events.

Negotiation techniques.

Principles of administration, budget and personnel management.

Principles of box office and ticketing operations.

Ability to:

Book, schedule, and sell Centre Plaza space to potential users.

Plan, organize, and coordinate the activities of various service providers associated with Centre Plaza events.

Supervise events in progress.

Supervise, train, and evaluate subordinates.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Centre Plaza guests within the context of Centre Plaza policies and procedures while maintaining a high customer service ethic.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Lift and carry heavy objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

Experience and Training Guidelines

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

Experience:

Two (2) years experience in supervising and coordinating a variety of events in a conference center, convention center, hotel, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

Training:

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

License or Certificate

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-688

A RESOLUTION AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO DELETE EVENTS COORDINATOR.

WHEREAS, Exhibit "G" of Resolution No. 91-464 has been previously amended by Resolution Nos. 92-62, 92-592, 92-632, 93-39, 93-127, and 93-620, and

WHEREAS, the City Council desires to further amend Exhibit "G" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G" entitled City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "G" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective November 23, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "G" deletes class specifications for Events Coordinator (Range 434).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1993, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

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

Effective November 23, 1993

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Office Services Supervisor Deputy City Clerk Executive Secretary
421	

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

Effective November 23, 1993

RANGE	TITLE
422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Warehouse Supervisor Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Assistant Budget Analyst Public Works Supervisor I Building Maintenance Supervisor
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor

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

Effective November 23, 1993

RANGE	TITLE
431	Administrative Analyst II
	Affirmative Action Officer
	Personnel Analyst
	Training Coordinator
	Assistant Risk Manager
	Recycling Program Coordinator
	Budget Analyst
432	Plant Mechanic Supervisor
	Recreation Supervisor II
	Historical Buildings Supervisor
	Senior Accountant
	Youth Program Supervisor
	Industrial Waste Supervisor
433	Assistant Civil Engineer
	Laboratory Supervisor
	Assistant Traffic Engineer
434	Senior Programmer Analyst
	Electrical Supervisor
	Assistant Equipment Maint. Supt.
	Engineering Systems Manager
	Sr. Housing Rehab. Specialist
	Public Works Supervisor II
	Secondary Treatment Site Supv.
	Parks Maintenance Supervisor II
	Operations Supervisor
	Landscape Designer
	Arborist
	Trees Maintenance Supv. II
	Land Surveyor
	Equipment Maintenance Supervisor II

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

Effective November 23, 1993

RANGE	TITLE
435	Management Analyst
	Deputy City Attorney I
	Senior Personnel Analyst
	Public Information Officer
	Budget Officer
	Financial Analyst
	Administrative Services Officer
	Integrated Waste Specialist
	Project Manager
436	Senior Planner
	Parks Construction Supervisor II
437	Property Agent
438	Equipment Maintenance Supt.
	Asst. Water Quality Control Supt.
	Transportation Planner
	Housing Program Supervisor
439	Deputy City Attorney II
	Associate Civil Engineer
	Associate Traffic Engineer
440	Principal Accountant
	Purchasing Officer
441	Community Development Program Manager
	Sr. Deputy City Attorney I
	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Maintenance Supt.
	Parks Superintendent
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Golf Superintendent
	Fleet Manager
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent

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

Effective November 23, 1993

RANGE	TITLE
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector
443	Deputy Chief Bldg. Official
444	Water Quality Control Supt. Principal Planner
445	Finance Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation
448	Sr. Deputy City Attorney II
449	
450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-689

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE APPROVAL OF A MODESTO URBAN AREA GENERAL PLAN AMENDMENT REDESIGNATING AN INDUSTRIAL BUSINESS PARK AREA TO RESIDENTIAL; A PREZONE OF PROPERTY TO A LOW DENSITY RESIDENTIAL, R-1, ZONE; AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR SYMPHONY PLACE SUBDIVISION. (SARJAK ENTERPRISES/REDEV, INC.)

WHEREAS, on September 22, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the proposed project relating to a General Plan Amendment redesignating property from an Industrial Business Park area to a Residential area, a prezone to a Low Density Residential Zone, R-1, and approval of a vesting tentative subdivision map for Symphony Place Subdivision might have a significant effect on the environment, and

WHEREAS, pursuant to the initial study, a traffic study, "Traffic Impact Study For A Proposed Residential Development Near the Blue Gum/Poust Intersection in Modesto" (Fehr & Peers Assoc., 8/4/93) and a Congestion Management Study, "Congestion Management Program Traffic Impact Study of the Proposed Sarjak Enterprises Residential Development General Plan Amendment" (TJKM Transportation Consultants, 6/25/93), were prepared, which studies identified mitigation to be undertaken in

conjunction with the project, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term unmitigated environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-690

Print

A RESOLUTION GRANTING THE APPEAL OF RICHARD HAGERTY ON BEHALF OF SARJAK ENTERPRISES/ REDEV, INC., TO THE DECISION OF THE PLANNING COMMISSION AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR SYMPHONY PLACE SUBDIVISION.

WHEREAS, the vesting tentative map of the Symphony Place Subdivision was filed in the office of the Secretary of the Planning Commission on September 22, 1993, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the Hart Ransom Elementary School and Modesto High School Districts, and Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

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

WHEREAS, the area can be served by elementary schools in the Hart Ransom School District and by Fire Station #4 at Blue Gum Avenue and Carpenter Road, 0.75 miles distant, and

WHEREAS, a public hearing was held by the Planning Commission on November 1, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 93-49, found and determined that the vesting tentative map of the Symphony Place Subdivision accepted for filing in the office of the Secretary of the Planning Commission on September 22, 1993, should be denied for the reasons set forth in said Planning Commission resolution, and

WHEREAS, an appeal to the decision of the Planning Commission denying said vesting tentative map for the Symphony Place Subdivision was filed with the City Clerk by Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., by letter dated November 2, 1993, and

WHEREAS, said matter was set for a public hearing on December 7, 1993, at 7:30 p.m. in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, for consideration of said appeal, and

WHEREAS, at its meeting of December 7, 1993, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Richard Haggerty to the decision of the Planning Commission denying approval of the vesting tentative map of the Symphony Place Subdivision should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. The land inventory for residential development within the City of Modesto is low. More residential land is needed for adequate housing opportunity.

2. The property south of MID Lateral No. 3 is appropriate for residential use and will not interfere with business park use of the remainder of the College West Neighborhood.

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

1. That the proposed subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That a Mitigated Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated September 22, 1993 should be certified as adopted.

4. That with regard to condition 3, the City Council finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:

   a. That the purpose of the proposed fee is to postpone the installation of Morse Road until it connects with another street to the north. The fee would cover this project's share of improvement that would normally be installed when the map is recorded.

   b. That the use to which the fee will be put is for a part-width installation of Morse Road adjacent to the proposed development site.

   c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the proposed development will generate traffic on Morse Road.

d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because Morse Road is an expressway that will provide an important north/south access for this development and West Modesto.

e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities to be funded because the fee would be based on installing a part-width street to City Standard. The properties on the west side of Morse Road would install their share and the City would bear costs for the center portion.

5. That with regard to condition 4, the City Council finds pursuant to Government Code Section 66001 that the documentary and oral evidence introduced at the hearing establish the following:

a. That the purpose of the proposed fee is for the proposed development to pay their fair-share of the two canal crossings.

b. That the use to which the fee will be put is for the canal crossings of MID Lateral No. 3 at Morse Road and Poust/McDonald.

c. That there is a reasonable relationship between the use of the fee and the type of development that is proposed because the proposed development will generate traffic on these two canal crossings.

d. That there is a reasonable relationship between the need for the public facilities to be funded and the type of development that is proposed because the two canal crossings will provide important north/south access for this development with the surrounding area.

e. That there is a reasonable relationship between the amount of the fee and the cost of the proposed public facilities to be funded because the fee would be based on estimated cost of the canal crossings and a logical area of benefit. Other properties in the

area of benefit would have to pay their fair share.

BE IT FURTHER RESOLVED by the Council that the appeal of Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., to the decision of the Planning Commission denying approval of the vesting tentative map of the Symphony Place Subdivision is hereby overruled.

BE IT FURTHER RESOLVED that the vesting tentative map of the Symphony Place Subdivision which was accepted for filing in the office of the Secretary of the Planning on September 22, 1993, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. That the subdivision area shall be annexed to the City and prior to the recording of the final map.

2. That all street dedication be provided; and subdivision improvements, except Morse Road, shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans.

3. That prior to recording the final map, financial security shall be posted for the Morse Road improvement to expressway standards as approved by the Public Works and Transportation Department. Street dedication shall be provided prior to or concurrently with the recording of the final map.

4. In the absence of an approved assessment district for the canal crossings of MID Lateral No. 3 at Morse Road and Poust/McDonald, the developer shall pay an estimated fair-share fee for the two canal crossings prior to recording of the final map. The Public Works and Transportation Department shall establish the estimated cost.

5. That public utility easements as required by the utility companies serving the subdivision shall be dedicated by the final map.

6. That direct vehicular and pedestrian access between MID Lateral No. 3 and adjacent subdivision lots shall be prohibited by appropriate notes on the final map. A six-foot solid masonry wall shall be constructed along the south side of the lateral.

7. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.

8. That the subdivider shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision, action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

9. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at the time of issuance of the building permit.

10. That prior to recordation of a final subdivision map, the subdivider contact the United States Postal Service for review and establishment of a mail delivery plan.

11. That the following mitigation measures as required by the adopted Mitigated Negative Declaration shall be completed:

    a. Traffic mitigation as listed in the Memo dated August 6, 1993, by Joe Holland.

    b. School mitigations pursuant to a signed agreement between the proponent and the Modesto High School and the Hart Ransom Elementary School Districts. The agreement shall be completed prior to the City Council approval of the General Plan Amendment and Prezone.

    c. Prior to recording of the final map, an eight-foot high solid decorative masonry wall along Morse Road shall be installed or appropriate security posted as approved by the Public Works and Transportation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Muratore, Patterson Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Friedman

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-691

Print

A RESOLUTION GRANTING THE APPEAL OF REDEV, INC. AND SARJAK ENTERPRISES TO THE DECISION OF THE PLANNING COMMISSION AND AMENDING THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO REDESIGNATE THE INDUSTRIAL FOR BUSINESS PARK AREA TO A RESIDENTIAL ZONE LOCATED WITHIN THE COLLEGE WEST NEIGHBORHOOD, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and has been subsequently amended, which amendments include the title which is currently "Modesto Urban Area General Plan", and

WHEREAS, thereafter, said General Plan has been amended by the following Modesto City Council Resolutions:

No. 65-695, adopted on December 27, 1965 (Land Use, Public Facilities, and Circulation)

No. 70-235, adopted on March 16, 1970 (Housing Element, Phase #1)

No. 72-1042, adopted on October 2, 1972 (Interim Open Space Plan)

No. 73-671, adopted on August 6, 1973 (Open Space and Recreation Elements)

No. 74-651, adopted on August 5, 1974 (Land Use and Circulation Elements)

No. 75-364, adopted on March 10, 1975 (Phase Two Housing Element)

No. 75-638, adopted on June 9, 1975 (Safety, Scenic Highways and Seismic Safety Elements)

No. 76-906, adopted on July 26, 1976 (Housing Element, Phase #3)

No. 77-724, adopted on July 11, 1977 (Amended Land Use and Circulation Elements Map with Text Amendment on Storm Drains)

No. 77-765, adopted on July 25, 1977 (Amendment to Land Use and Circulation Elements Map - Orchard Neighborhood)

No. 78-854, adopted on August 14, 1978 (Conservation Element)

No. 78-855, adopted on August 14, 1978 (Noise Element)

No. 80-322, adopted on April 8, 1980 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 80-636, adopted on July 1, 1980 (Amendment to Land Use and Circulation Elements Map)

No. 81-50, adopted on January 27, 1981 (Amendment to Housing Element)

No. 81-419, adopted on May 26, 1981 (Amendment to Land Use and Circulation Elements Map)

No. 81-801, adopted on September 15, 1981 (Amendment to Housing Element)

No. 82-457, adopted on June 22, 1982 (Amendment to Land Use and Circulation Elements Map)

No. 83-33, adopted on January 18, 1983 (Amendment to Open Space and Recreation Elements)

No. 84-13, adopted on January 10, 1984 (Amendment to Land Use and Circulation Elements Map)

No. 84-462, adopted on July 10, 1984 (Amendment to Housing Element)

No. 85-318, adopted on May 21, 1985 (Amendment to Land Use and Circulation Elements - Yosemite Trunk)

No. 86-1297, adopted on November 26, 1986 (Circulation Element)

No. 86-1298, adopted on November 26, 1986 (Circulation

Element)

No. 86-1299, adopted on November 26, 1986 (Circulation Element)

No. 86-1300, adopted on November 26, 1986 (Circulation Element)

No. 86-1301, adopted on November 26, 1986 (Circulation Element)

No. 88-145, adopted on February 23, 1988 (Amendment to Land Use and Circulation Elements Map - College West Neighborhood)

No. 89-579, adopted on May 23, 1989 (Amendment to the Modesto Urban Area General Plan Map - Orchard Neighborhood)

No. 89-632, adopted on June 13, 1989 (Amendment to Land Use and Circulation Elements Map - Bret Harte)

No. 89-857, adopted on August 22, 1989 (Amendment to Modesto Urban Area General Plan Map - Merle Neighborhood)

No. 89-985B, adopted on October 10, 1989 (Amendment to Modesto Urban Area General Plan Map Chrysler-99 Neighborhood)

No. 90-349, adopted on March 13, 1990 (Amendment to Modesto Urban Area General Plan Map - Empire West Neighborhood)

No. 90-479, adopted on April 24, 1990 (Amendment to Modesto-Ceres-Empire General Plan)

No. 90-758, adopted on September 11, 1990 (Amendment to Modesto Urban Area General Plan - Village One)

No. 91-233, adopted on April 23, 1991, (Amendment to Modesto Urban Area General Plan Map - Fleur De Ville Subdivision)

No. 93-631, adopted on November 9, 1993, (Amendment to Modesto Urban Area General Plan Map - Commercial Area (Target) and Wood Colony Neighborhood Shopping Center)

and

WHEREAS, pursuant to the provisions of Government Code Section 65402 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, an application was submitted by Sarjak Enterprises and Gerritt Oosterkamp to amend the Land Use Element of the Modesto Urban Area General Plan to redesignate the Industrial Business Park Area to a Residential Zone, and

WHEREAS, the project site is located in the unincorporated area within the College West Neighborhood, which is bounded by Blue Gum Avenue, Morse Road extended, Southern Pacific Railroad, Shoemake Avenue, and Poust Road, and

WHEREAS, on November 1, 1993, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to said application for an amendment to the Land Use Element of the Modesto Urban Area General Plan, and

WHEREAS, at said hearing, the Modesto City Planning Commission adopted Resolution No. 93-47, denying the proposed amendment to the Land Use Element of the Modesto Urban Area General Plan for reasons set forth in said resolution, and

WHEREAS, by letter which was received in the Office of the City Clerk on November 2, 1993, an appeal to the decision of the Planning Commission denying said proposed amendment to the Land Use Element of the Modesto Urban Area General Plan was filed

by Richard Hagerty on behalf of Sarjak Enterprises and Redev, Inc., and

WHEREAS said appeal was set for a public hearing of the City Council to be held on November 9, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Land Use Element of the General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Land Use Element of the General Plan to redesignate the Industrial Business Park Area to a Residential Zone on property located in the unincorporated area within the College West Neighborhood, which is bounded on the north side of Blue Gum Avenue and WEst of Poust Road in the City of Modesto is required for the public health, safety and welfare for the following reasons:

1. The land inventory for residential development within the City of Modesto is low. More residential land is needed for adequate housing opportunity.

2. The property south of MID Lateral No. 3 is appropriate for residential use and will not interfere with business park use of the remainder of the College West Neighborhood.

BE IT FURTHER RESOLVED by the Council that the Land Use Element of the General Plan be and hereby is amended to redesignate the Industrial Business Park Area designation to a Residential Zone on property located in the unincorporated area within the College West Neighborhood, which is located on the north side of Blue Gum Avenue West of Poust Road, as shown on the map which is attached hereto marked Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days after adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Friedman

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-692

A RESOLUTION DESIGNATING THE SOUTHERN PACIFIC DEPOT AT 9TH AND "J" STREETS AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 18, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 25, that the Southern Pacific Depot at 9th and "J" Streets is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

5. The City has the ability to remodel, add to, or otherwise alter the building and the surrounding site as necessary and in such a manner so as to enable it, in the sole judgment of the City, to function efficiently, effectively and safely as an intermodal transportation facility or any other function that the City believes is an appropriate

use for the site, including any structures which may be located thereon.

and

WHEREAS, after a public hearing held on December 7, 1993, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Southern Pacific Depot at 9th and "J" Streets is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 9th and "J" Streets is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Southern Pacific Depot at 9th and "J" Streets has historic, architectural, archaeological, cultural, engineering or aesthetic significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The Southern Pacific Depot, built in 1915, is architecturally significant as a fine example of the Mission Revival Style of architecture as adopted for a railroad depot.

2. It is economically viable.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

That certain parcel of land situated in the south half of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being also a portion of Block 143, as said Block is shown on that certain Parcel Map filed January 27, 1976, in Book 22 of Parcel Maps, Page 47, Records of said County, and being also a portion of land described in deed dated May 4, 1874, from Contract and Finance Company to Central Pacific Railroad Company (now Southern Pacific Transportation Company), recorded June 6, 1874, in Volume 12 of Deeds, Page 416, Records of said County, more particularly described as follows:

Beginning at the point of intersection of the southeasterly line of "K" Street (80 feet wide) with the southwesterly line of Ninth Street (88 feet wide), said point being also the most northerly corner of said Block 143; thence, South 43°30'59" East, along said southwesterly line, and also the northeasterly line of said Block, 880.72 feet to a point in the northwesterly line of "I" Street (100 feet wide), last said point being also the most easterly corner of said Block; thence, South 46°27'10" West, along said northwesterly line and also the southeasterly line of said Block, 178.48 feet to a line parallel with and distant 34 feet northeasterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Lathrop-Fresno); thence, North 43°31'43" West, along said parallel line, 880.74 feet to said southeasterly line of "K" Street; thence, North 46°27'30" East, along last said southeasterly line, and also the northwesterly line of said Block, 178.67 feet to the Point of Beginning, containing an area of 3.611 acres, more or less.

Together with all right, title and interest of Grantor, in and to the land underlying those portions of the southeasterly half of said "K" Street, and the northwesterly half of said "I" Street abutting upon the above described 3.611 acre parcel of land.

Also, together with all right, title and interest of Grantor in and to that portion of that certain 1.083 acre parcel of land described in deed dated October 26, 1932, from Southern Pacific Company, et al., to the City of Modesto, abutting upon the northeasterly line of the above described 3.611 acre parcel of land.

Prepared by:
Southern Pacific
1989

MODESTO CITY COUNCIL
RESOLUTION NO. 93-693

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE BRIGGSMORE AVENUE WATERLINE FROM WELL NO. 21 TO COFFEE ROAD

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

SECTION 1. The specifications for the Briggsmore Avenue waterline from Well No. 21 to Coffee Road , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 6, 1994 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-694

Print

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE SCENIC DRIVE WIDENING EAST OF OAKDALE ROAD PROJECT

WHEREAS, Resolution No. 93-489, adopted by the Council of the City of Modesto on August 24, 1993, approved the plans and specifications for the Scenic Drive widening east of Oakdale Road project and authorized the calling for bids; and

WHEREAS, the bids received for the Scenic Drive widening east of Oakdale Road project were opened at 11:05 a.m. on September 16, 1993, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $61,339 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $61,339 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-695

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $71,000 TO FUND THE WIDENING OF SCENIC DRIVE EAST OF OAKDALE ROAD

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

FROM:	Pavement Maintenance (070 430 C737 6040)	$71,000
TO:	Scenic Drive East of Oakdale Road project	$71,000

This transfer will provide funds for the construction of improvements to widen Scenic Drive east of Oakdale Road. The original amount budgeted was only intended to cover right of way and engineering. Originally staff believed some of those funds would be available for construction also. However, since it appears one parcel will need to be acquired through eminent domain, all construction costs will be funded from savings in last year's Pavement Maintenance project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th **day of** December **,** 1993 **, by Councilmember** Muratore**, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES: **Councilmembers:** Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: **Councilmembers:** None

ABSENT: **Councilmembers:** Friedman

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-696

A RESOLUTION AMENDING THE FISCAL YEAR 1993-94 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE DEVELOPER'S CONTRIBUTION FOR SCENIC DRIVE WIDENING EAST OF OAKDALE ROAD.

WHEREAS, the City is constructing a project titled "Scenic Drive Widening East of Oakdale Road" the project is budgeted in account number 070-430-P583, and

WHEREAS, SKW and Associates contributed $8,600 for their share of the project. This amount was collected and placed in the City of Modesto Trust Fund. It is now necessary to budget and appropriate this revenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustment is necessary:

SPECIAL GAS TAX FUND

Fund/Agy/Org/Rev-Obj		Increase (Decrease)
Expenditures		
070-430-P583-6040	Scenic Drive East of Oakdale Road-construction	$8,600
Revenues		
070-510-9510-4057	Developer's Contribution	$8,600

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-697

Print

A RESOLUTION ACCEPTING THE SENIOR CITIZENS CENTER WALL MODIFICATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Senior Citizens Center wall modifications

has been completed by Howell Construction, Inc.

in accordance with the contract agreement dated August 17, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Senior Citizens Center wall modifications

be accepted from said contractor, Howell Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $28,135.97 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-698

Print

A RESOLUTION ACCEPTING THE INSTALLATION OF EMERGENCY GENERATORS AT WELLS 33 AND 39 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the emergency generators installed at Wells 33 and 39

has been completed by Tri-Technic, Inc.

in accordance with the contract agreement dated January 9, 1993.

NOW, THEREFORE, BE IT RESOLVED that the installation of emergency generators at Wells 33 and 39

be accepted from said contractor, Tri Technic, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $97,200.96 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO.93-699

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON JANUARY 8, 1994, AT 824 KIERNAN AVENUE, AND JANUARY 10, 1994, AT 501 NORTH JEFFERSON AND 601 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on January 8 and 10, 1994, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, January 8, 1994, at a large facility located at 824 Kiernan Avenue, and on Monday, January 10, 1994, at 501 North Jefferson, City Corporation Yard, and 601 11th

Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-700

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ORCHARD NEIGHBORHOOD PARK SITE MASTER PLAN/CONSTRUCTION PROJECT.

WHEREAS, on November 3, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Orchard Neighborhood Park Site Master Plan/Construction Project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC

including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-701

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHAWN AND KRISTINE MILAR FOR THE LEASE OF THE McCLURE CARETAKER'S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shawn and Kristine Milar for the lease of the McClure Caretaker's Cottage

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-702

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR THE CONSTRUCTION OF A WATERLINE ALONG BRIGGSMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Consent to Common Use Agreement between the City of Modesto and Modesto Irrigation District for the construction of a waterline along Briggsmore Avenue, within Modesto Irrigation District right of way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-703

A RESOLUTION APPROVING AN EXPENDITURE OF FUNDS FOR THE CONSTRUCTION OF A WATER LINE ON MONTEREY AVENUE TO THE AIRPORT BY DEL ESTE WATER COMPANY.

WHEREAS, the amount of water available for fire suppression on the General Aviation side of the Modesto City-County Airport is sub-standard, and

WHEREAS, Del Este Water Company has offered to install and maintain a 12" water line down Monterey Avenue from Empire Avenue for an estimated cost of $57,000, the final cost will be based on Del Este's actual cost of installation, and

WHEREAS, the estimated project costs are as follows:

Construction by Del Este (including applicable taxes	$57,056
Contingency	5,700
Total	$62,756

and

WHEREAS, funds for this purpose are available in the 93-94 Fiscal Year Budget, Account 632-480-B923, and ninety (90%) percent of the costs noted above are funded by a Grant from the Federal Aviation Administration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an expenditure of up to $62,756 for the construction of a water line on Monterey Avenue to the Airport by Del Este Water Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-704

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JEFF GROVER FROM THE PLANNING COMMISSION, EFFECTIVE DECEMBER 7, 1993

WHEREAS, Jeff Grover was appointed a member of the Planning Commission on February 23, 1988; and

WHEREAS, Jeff Grover has tendered his resignation from the Planning Commission effective December 7, 1993; and

WHEREAS, Jeff Grover has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jeff Grover from the Planning Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Jeff Grover for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-705

A RESOLUTION APPOINTING GARRAD MARSH AND LARRY ERWIN TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. The following persons are hereby appointed to the Board of Zoning Adjustment for the respective term as indicated:

Garrad Marsh
3124 Esta Avenue
Modesto, Ca. 95355
Term to expire: 1/1/98

Larry Erwin
2400 Dutchollow Court
Modesto, Ca. 95356
Term to expire: 1/1/98

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-706

A RESOLUTION APPOINTING BONNIE JOHNSON TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Bonnie Johnson
252 California Avenue
Oakdale, Ca. 95361
Term to expire: 1/1/95

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle

Boards and Commissions

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-707

Print

A RESOLUTION APPOINTING VIRGINIA GLESER, CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, AS ALTERNATE MEMBER TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Housing Rehabilitation Loan Committee as alternate member:

Virginia Gleser, member of the Citizens
Housing and Community Development Committee
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Rehabilitation Loan Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 19 93, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-708

A RESOLUTION APPOINTING DEAN COLLI AND GERALD CLENDENIN TO THE COMMUNITY QUALITIES FORUM

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

SECTION 1. The following persons are hereby appointed to the Community Qualities Forum for the respective term as indicated:

Dean Colli
Term to expire 12/31/97

Gerald Clendenin
Term to expire 12/31/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 1993, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-709

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING 23 VARIOUS TYPES OF VEHICLES, OR PURCHASE FROM THE CALIFORNIA STATE CONTRACT, OR LOWEST NON-CONTRACT BID

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

SECTION 1. The specifications for furnishing 23 various types of vehicles for purchase from the California State contract, or lowest non-contract bid, whichever is in the best interest of the City, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 3, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-710

A RESOLUTION APPROVING THE 1993-94 FISCAL YEAR PROGRAM OF PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U.S. Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

1. That the attached Program of Projects attached hereto marked Exhibit A and incorporated herein by reference is hereby approved.

2. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

3. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

4. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

5. That the City Manager of the City of Modesto or his authorized designee is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

6. That the City Manager of the City of Modesto or his authorized designee is authorized to execute grant agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the

financing of the planning, capital and/or operating assistance Program of Projects and budget.

7. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-711

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR THE LEASE OF A PORTION OF THE MODESTO TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for lease of a portion of the Modesto Transportation Center

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-712

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT, INC. FOR THE LEASE OF A PORTION OF THE MODESTO TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit, Inc. for the lease of a portion of the Modesto Transportation Center

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-713

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $95,000 TO COVER THE CITY'S SHARE OF THE COSTS TO CONSTRUCT TRAFFIC SIGNAL MODIFICATIONS AND STREET IMPROVEMENTS NEEDED AT CARPENTER AND BLUE GUM

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

FROM:	Yosemite/Creekwood Traffic Project and Traffic Signal Design account	$95,000
TO:	Carpenter/Blue Gum Traffic Signal modifications (141 160 D402 6040)	$95,000

Development of the Home Depot on the southwest corner of Carpenter and Blue Gum will impact traffic patterns, so the signal upgrade project is needed at this time. Future Capital Facility Funds will be used to restore the funding shifted from the Yosemite/Creekwood Traffic Signal project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th **day of** December **,** 1993 **, by Councilmember** Patterson **, who moved its adoption, which motion being duly seconded by Councilmember** Cogdill **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-714

A RESOLUTION DESIGNATING THE HOUSING REHABILITATION LOAN PROGRAM AS A REVOLVING LOAN FUND.

WHEREAS, the Housing Rehabilitation Program has been a successful program operated by the Community Development Program Office since 1977, and

WHEREAS, City staff has recommended that the Housing Rehabilitation Loan Program should be formally designated as a Revolving Loan Fund, and

WHEREAS, the Housing Rehabilitation Loan Committee, at its meeting of October 20, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and

WHEREAS, the Citizen's Housing and Community Development Committee, at its meeting of October 22, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and

WHEREAS, the Community Development and Housing Committee of the Council, at its meeting of November 10, 1993, considered and approved the proposal that the Housing Rehabilitation Loan Program receive the designation of a Revolving Loan Fund, and

WHEREAS, said proposal is consistent with Community Development Block Grant regulations, and

WHEREAS, said proposal was considered by the Council at its meeting of January 25, 1994,

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

1. That the Council hereby approves the designation of the Housing Rehabilitation Loan Program as a Revolving Loan Fund.

2. That all loan repayments from the Housing Rehabilitation Program shall be segregated and only used for the funding of new loans for the same program.

3. That the provisions of this resolution shall become effective January 1, 1994.

4. That the Finance Director of the City of Modesto is hereby directed to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1994, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-715

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STEWART W. AND BETTY J. BRADLEY FOR THE ACQUISITION OF A 1.331± ACRE PERMANENT EASEMENT AND A 0.934± ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stewart W. and Betty J. Bradley for the acquisition of a 1.331± acre permanent easement and a 0.934± acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-716

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ST. PETER LUTHERAN CHURCH FOR THE ACQUISITION OF A 3,555± ACRE TEMPORARY EASEMENT FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the St. Peter Lutheran Church for the acquisition of a 3,555± acre temporary easement for the Lakewood Sewer Trunk Project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-717

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CONSTANTINE SCOTO, JR. FOR LEASE OF THE FORMER HOGIN PROPERTY IN DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Constantine Scoto, Jr. for lease of the former Hogin property in Dry Creek Park

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-718

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George Frederickson for the lease of a portion of Fire Station No. 5 for a garden

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 19 93, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-719

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. RICHARD WILSON TO AUTHORIZE THEM TO INSTALL AND MAINTAIN LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY ADJACENT TO THEIR PROPERTY AT 3640 DRY CREEK DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. & Mrs. Richard Wilson to authorize them to install and maintain landscaping within the public right of way adjacent to their property at 3640 Dry Creek Drive

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-720

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO A's PROFESSIONAL BASEBALL CLUB FOR THE USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto A's Professional Baseball Club for the use of John Thurman Field

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-721

A RESOLUTION APPROVING A RIGHT OF WAY CERTIFICATION FOR TWO "HAZARD ELIMINATION AND SAFETY" (HES) PROGRAM PROJECTS

WHEREAS, the right of way certification assures the State that necessary right of way has been secured for the two-way left-turn lane project on Tully Road and a signal modification project at the Orangeburg/ Carver intersection.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of way certification for two "Hazard Elimination and Safety" Program projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-722

A RESOLUTION IN SUPPORT OF THE EFFORTS OF "PROTECT OUR CHILDREN."

WHEREAS, "Protect Our Children" is a nonprofit organization of concerned citizens working to prevent sexual abuse of children, and

WHEREAS, "Protect Our Children" is outraged with the alarming increase of child sexual molestation, and

WHEREAS, psychological profiles have shown that most offenders have molested several victims before ever being caught or convicted, and

WHEREAS, "Protect Our Children" has three main goals:

1. Getting the laws concerning this issue improved,

2. Educating the public concerning this issue, and

3. Setting up a support system for the victims and families of child sexual molestation,

and

WHEREAS, the Council desires to encourage our legislators to strengthen the laws against child sexual abuse and to support the efforts of "Protect Our Children",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby encourages the State Legislature, State Attorney General Dan Lungren, and Governor Wilson to support the efforts of "Protect Our Children", a group of concerned citizens working to strengthen the laws against child sexual abuse and working to assist victims and their families.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to Assemblyman Bob Epple, Chairman of the Assembly Public Safety Committee; Assemblyman John Vasconcellos, Chairman of the Assembly Ways and Means Committee; State Attorney General Dan Lungren; Senator Dan McCorquodale; and Assemblyman Sal Cannella.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-723

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER TWENTY-FIVE THOUSAND SEVEN HUNDRED FORTY-FIVE ($25,745) DOLLARS FROM THE POLICE ASSET FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of twenty-five thousand seven hundred forty-five ($25,745) dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the General Fund Police Department and appropriate it for equipment and services for the Area of Command offices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 annual budget be amended as follows:

Revenue

010-190-1961-7202	Asset Seizures	$25,745

Appropriations

010-190-1961-5753	Telephone Switching/inst	$ 9,755
010-190-1961-5754	1 Mobile Data Term, 4th Area Office	$ 5,665
010-190-1961-5755	2 FALCO CAD Terminals	$ 2,100
010-190-1961-5756	2 FAX Machines, TRU/FOD Offices	$ 1,075
010-190-1961-5757	4 FAX Machines for Area Offices	$ 1,590
010-190-1961-5758	4 Electric Typewriters	$ 560
010-190-1961-5759	Remodel costs, Southwest office	$ 5,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-724

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE LAKEWOOD TRUNK SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE PROJECT

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

SECTION 1. The specifications for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue project , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 20, 1994 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 1993, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-725

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE PROJECT

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

SECTION 1. The specifications for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue project , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 20, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 19 93, by Councilmember Patterson , who moved its adoption, which motion being duly seconded by Councilmember Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-726

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE PAVER AND ONE PAVER TRAILER

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

SECTION 1. The specifications for one paver and one paver trailer , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 10, 1994 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-727

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR PROPOSALS FOR FURNISHING A JOINT CITY/COUNTY FLEET MAINTENANCE MANAGEMENT SYSTEM

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

SECTION 1. The specifications for proposals for furnishing a joint City/County fleet maintenance management system , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 14, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December 19 93, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy G. Hall
JUDY G. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-728

Print

A RESOLUTION ACCEPTING THE BID OF MOUNTAIN CASCADE INC. FOR CONSTRUCTION OF THE PARALLEL OUTFALL SEWER

WHEREAS, Resolution No. 93-636 , adopted by the Council of the City of Modesto on November 9 , 1993 , approved the plans and specifications for construction of the parallel outfall sewer - secondary treatment plant to Station 122+46 and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the parallel outfall sewer - secondary treatment plant to Station 122+46 were opened at 11:10 a.m. on December 9, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Mountain Cascade Inc. in the amount of $2,879,840 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mountain Cascade Inc. in the amount of $2,879,840 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December , 1993 , by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-729

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $332,400 FOR CONSTRUCTION OF THE PARALLEL OUTFALL SEWER

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

FROM:	Sewer Fund Reserves (621 800 8000 8003)	$332,400
TO:	Parallel Outfall Construction (621 480 P989 6010, 6040, 6050 and 6060)	$332,400

Bids received for the project were approximately 11% over the Engineer's estimate. Staff has determined that the bids received were appropriate because of the number of bids received and the close grouping of the bid amounts. The Engineer's estimate underestimated the cost of installing the pipe in the existing soil conditions and the cost of installing the access manholes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st **day of** December **,** 1993 **, by Councilmember** Muratore **, who moved its adoption, which motion being duly seconded by Councilmember** Dobbs **, was upon roll call carried and the resolution adopted by the following vote:**

AYES:	**Councilmembers:**	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	**Councilmembers:**	None
ABSENT:	**Councilmembers:**	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-730

Print

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS, INC. FOR REHABILITATION OF THE STORM WATER LIFT STATION AT TULLY AND BRIGGSMORE

WHEREAS, Resolution No. 93-634 , adopted by the Council of the City of Modesto on November 9 , 1993 , approved the plans and specifications for the rehabilitation of the storm water lift station at Tully and Briggsmore and authorized the calling for bids; and

WHEREAS, the bids received for the rehabilitation of the storm water lift station at Tully and Briggsmore were opened at 11:00 a.m. on December 9, 1993 , and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Howk Systems, Inc. in the amount of $114,700 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems, Inc. in the amount of $114,700 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-731

Print

A RESOLUTION ACCEPTING THE BID OF 3T EQUIPMENT COMPANY FOR FURNISHING ONE NEW SEWER LINE CAMERA AND RELATED EQUIPMENT

WHEREAS, Resolution No. 93-649 , adopted by the Council of the City of Modesto on November 16 , 1993 , approved the plans and specifications for the purchase of one new sewer line camera and related equipment
and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of one new sewer line camera and related equipment
were opened at 11:00 a.m. on December 6, 1993 , and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of 3T Equipment Company in the amount of $26,598
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 3T Equipment Company in the amount of $26,598 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December , 1993 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Bird , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-732

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL ELECTION, A RUN OFF ELECTION BY MAIL BALLOT, HELD IN THE CITY OF MODESTO ON DECEMBER 14, 1993, AND DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 2, 1993, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Councilmember to Chair No. 2 for a term of four years, one Councilmember to Chair No. 4 for a term of four years, one Councilmember to Chair No. 5 for a term of four years, and to elect four members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 2, 1993, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 2, 1993, a copy of which is attached to Modesto City Council Resolution No. 93-630A, marked Exhibit "A" and on file in the office of the City Clerk, and

WHEREAS, at said Regular Municipal Election a majority vote was not cast for Councilmember for Chair No. 2, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, a Second Regular Municipal Election, a run off election by mail ballot, was called to be held on Tuesday, December 14, 1993, and

WHEREAS, the two candidates receiving the highest number of votes at the November 2, 1993, Regular Municipal Election for Councilmember, Chair No. 2, Janine McClanahan and Pete Kolf, had their names placed on the ballot for election to the office of Councilmember, Chair No. 2, and

WHEREAS, said Second Regular Municipal Election was held in the City of Modesto on Tuesday, December 14, 1993, in accordance with law and the proceedings of this Council, to elect one Councilmember for a term of four years, Chair No. 2, and the votes thereafter received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk has canvassed the returns of said December 14, 1993, election in accordance with the law and certified the results of the election to the Council by a

Certificate of Canvass and Statement of Votes dated December 14, 1993,

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

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

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

(a) The whole number of votes cast in the city.

(b) The names of the persons voted for.

(c) For what office each person was voted for.

(d) The number of votes given in the city to each person.

3. That the following named person having received a majority of the votes cast for the elective office of Councilmember for a term of four years Chair No. 2 as designated on Exhibit "A", is hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to said person, certifying her election to the office appearing after her name, and to administer to said person the oath of office prescribed by the

Constitution and laws of the State of California, and the Charter of said City, to wit:

Janine McClanahan — Councilmember for a term of four years Chair No. 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO
SECOND REGULAR MUNICIPAL ELECTION

December 14, 1993

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 16, 1993, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 14, 1993, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 2, Modesto City Council

Janine McClanahan	14,548	59.7%
Pete Kolf	9,799	40.2%

Voter Turnout

City of Modesto	24,772	33.0%

Norrine Coyle
City Clerk & Auditor
City of Modesto

December 16, 1993

EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 93-733

A RESOLUTION ADOPTING THE 1994-93 COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS), THE 1993-94 CHAS ANNUAL PLAN, AND APPROVING THE 1992-93- CHAS ANNUAL PERFORMANCE REPORT.

WHEREAS, the five-year Comprehensive Housing Affordability Strategy (CHAS) and the CHAS Annual Plan are reports required by HUD, and

WHEREAS, said reports include an assessment of social and market characteristics affecting affordable housing in the community; a strategy to accomplish stated goals; they identify a general list of priorities to assist various groups of people in meeting their housing needs, both on a long and short term basis, and

WHEREAS, the five-year CHAS will serve as a guide for the City in allocating resources to assist in meeting affordable housing needs on an annual basis as reflected in the Annual Plan, and

WHEREAS, the 1992-93 CHAS Annual Performance Report is also required by HUD, and

WHEREAS, said report is to measure how well the City performed in accomplishing the CHAS Annual Plan list of strategies, and

WHEREAS, the National Affordable Housing Act requires that all jurisdictions applying for certain Federal housing programs have a Five-Year and Annual CHAS approved by HUD, and

WHEREAS, an Annual Performance Report covering the last fiscal year must also be submitted to HUD by the end of the calendar year, and

WHEREAS, the draft five-year CHAS and Annual Plan were distributed for public review on November 9, 1993, and draft copies of the Annual Performance Report were forwarded to local nonprofit agencies on November 27, 1993, and copies of said reports were made available to the public, and

WHEREAS, HUD requires that the citizens of Modesto be provided with a 30-day review period, and

WHEREAS, the Citizens Housing and Community Development Committee at a public hearing on December 15, 1993, considered the reports and recommended adoption of said reports as reflected in the final versions of said documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 1992-93 CHAS Annual Performance Report, a copy of which is on file in the office of the City Clerk, is hereby approved for forwarding to HUD; that the 1994-98 Comprehensive Housing Affordability Strategy (CHAS) and the 1993-94 CHAS Annual Plan are hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-734

A RESOLUTION DECLARING UP TO TWENTY-FIVE (25) BICYCLES SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SAID BICYCLES TO CHARITABLE CAUSES.

WHEREAS, the Police Department of the City of Modesto has up to twenty-five (25) bicycles in the Police Impound/Evidence Property Room that have become surplus property to the City's needs, and

WHEREAS, it has been recommended by Police Department personnel that up to twenty-five (25) bicycles should be donated to charitable causes as determined by the Police Department, and

WHEREAS, during the course of the year the Police Department recovers hundreds of lost, stolen and abandoned bicycles, and

WHEREAS, if the bicycles are not claimed after a waiting period of ninety (90) days, they are transferred to the Purchasing Officer for sale to the highest bidder at public auction, and

WHEREAS, some time in December, personnel of the Police Department noticed a large Christmas tree located at the Vintage Faire Mall, and

WHEREAS, on this tree were various names of children identifying different needs, one of the items requested were bicycles, and

WHEREAS, Police Department personnel inquired to the feasibility of donating some of the above noted bicycles to the children whose names appear on the Christmas tree, and

WHEREAS, the Purchasing Officer has reviewed the request and concurs with the recommendation and he has calculated that the value of the bicycles will not exceed $150.00, and

WHEREAS, the Council of the City of Modesto desires to donate up to twenty-five (25) surplus bicycles to up to twenty-five (25) needy children in time for Christmas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that up to twenty-five (25) bicycles in the Police Impound/Evidence Property Room have become surplus property to the City's needs, and the Council hereby authorizes the donation of up to twenty-five (25) bicycles to up to twenty-five (25) needy children in time for Christmas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93-735

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN AND SYLVIA MAGADDINO FOR THE ACQUISITION OF A 0.011± ACRE PERMANENT EASEMENT AND A 0.021± ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John and Sylvia Magaddino for the acquisition of a 0.011± acre permanent easement and a 0.021± acre temporary easement for the Sonoma sewer trunk project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-736

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy G. Hall
JUDY G. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-737

A RESOLUTION COMMITTING TO ACCEPTING THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS' POPULATION FIGURES AS THE BASIS FOR THE STANISLAUS COUNTY TRANSIT FEES.

WHEREAS, Stanislaus County Transit provides transit service in each jurisdiction in Stanislaus County, and

WHEREAS, each jurisdiction pays a portion of its Transportation Development Act (TDA) funds to Stanislaus County Transit to cover the cost of these services, and

WHEREAS, the Stanislaus County Planning Department, which was designated by the Stanislaus County Board of Supervisors as the agency that will provide the population figures to Stanislaus County Transit that are used to calculate each city's share of the cost-sharing arrangements is no longer able to provide this information, and

WHEREAS, the Stanislaus Area Association of Governments (SAAG), as the Regional Census Data Center, has the information that is needed to calculate these cost-sharing arrangements, and

WHEREAS, the SAAG Policy Board has approved SAAG's participation in this process, by providing the population figures that are used to calculate the cost-sharing arrangements, and

WHEREAS, the SAAG Policy Board has approved this participation contingent upon each of the cities and the County committing (by resolution) to accepting the population figures

that SAAG provides as the basis for the Stanislaus County Transit cost-sharing arrangements,

NOW, THEREFORE, BE IT RESOLVED, that the City of Modesto accepts the population figures to be approved by SAAG as the basis for the Stanislaus County Transit cost-sharing arrangements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

12/23/93 OP0N19W7/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 93-738

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR GENERATION INSTALLATIONS IN WELLS 6, 40, 41 AND 42

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

SECTION 1. The specifications for generation installations in wells 6, 40, 41 and 42 , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 27, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-739

Print

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL JANITORIAL SUPPLIES AND ANNUAL RECYCLED JANITORIAL PAPER PRODUCTS UNDER A COOPERATIVE LOCAL GOVERNMENT AGENCY BID

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

SECTION 1. The specifications for furnishing annual janitorial supplies and recycled janitorial paper products , copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 1994 at 11:00 a.m. , the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December 19 93 , by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-740

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 24 NEW ELECTRONIC FAREBOXES FROM GENERAL FAREBOX, INC.

WHEREAS, the Transit Division of Public Works & Transportation has requested the purchase of 24 electronic fareboxes for City buses; and

WHEREAS, General Farebox is the only manufacturer that can provide these electronic fareboxes that can interface to a data collection unit; 9 of the 33 buses in our active fleet are already equipped with these units.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 24 new electronic fareboxes is hereby waived.

BE IT FURTHER RESOLVED that purchase of 24 new electronic fareboxes from General Farebox, Inc. for the total cost of $112,500 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-741

A RESOLUTION DESIGNATING COUNCILMEMBER JANINE McCLANAHAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Janine McClanahan is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-742

A RESOLUTION ADOPTING THE 1994-95 CITIZEN PARTICIPATION PLAN AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION PROCESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Application Schedule and Citizen Participation Plan for fiscal year 1994-95, a copy of which is attached hereto as Exhibit A, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Community Development Block Grant Application Schedule and Citizen Participation Plan by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Exhibit "A"
CITY OF MODESTO

COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION PREPARATION PLAN FOR FISCAL YEAR 1994-95

Citizens Participation Plan and Timeline of Events

DESCRIPTION	*DEC*	*JAN*	*FEB*	*MAR*	*APR*	*MAY*
1. CH&CDC Meeting to Recommend Approval of the 1994-95 CDBG Application Process and Attendant Citizen Participation Plan; City Hall, 801 11th Street	12-15-93 7:00 p.m.					
2. City Council Meeting to Approve 1994-95 CDBG Application Process and Attendant Citizen Participation Plan; City Hall Council Chambers, 801 11th Street	12-28-93 4:00 p.m.					
3. CDBG application period opens. Applications available at the Community Development Program Office, 940 11th Street	12-29-93 8:00 a.m. *		2-4-94 5:00 p.m. *			
3. Staff Workshop to Assist Agencies in Submitting Requests for Funding; CDPO, 940 11th Street.		1-12-94 2:00 p.m.				
4. Begin Staff Analysis of Requests for Funding; CDPO, 940 11th Street			2-4-94 *	3-8-94 *		
5. CH&CDC Meeting to Consider Requests for Funding; City Hall Council Chambers, 801 11th Street				3-18-94 12:00 Noon		
6. CH&CDC Meeting to Approve Final Staff Recommendations for CDBG Allocations; City Hall Council Chambers, 801 11th Street					4-15-94 12:00 Noon	
7. City Council Public Hearing to Consider CH&CDC Recommendation for CDBG Allocations; City Hall Council Chambers, 801 11 Street						5-10-94 7:30 p.m.
8. Deadline for Submission of CDBG Application to HUD						5-31-94 5:00 p.m.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-743

A RESOLUTION APPROVING A FINANCING AGREEMENT WITH LARRY SALCEDO FOR THE PURPOSE OF REHABILITATING PROPERTY AT 116 MERCED AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Larry Salcedo for the purpose of rehabilitating property at 116 Merced Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-744

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT FOR THE ACQUISITION OF A 0.043± ACRE PERMANENT EASEMENT AND A 0.095± ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City School District for the acquisition of a 0.043± acre permanent easement and a 0.095± acre temporary easement for the sonoma sewer trunk project

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 93-745

Print

A RESOLUTION FINDING THAT ACQUISITION OF A 0.043± ACRE PERMANENT EASEMENT AND A 0.095± ACRE TEMPORARY EASEMENT FOR THE SONOMA SEWER TRUNK PROJECT IS CONSISTENT WITH THE PROGRAM ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on May 5, 1993, the City's Environmental Assessment Committee (EAC) conducted an analysis to determine if the sanitary sewer trunk project through Village One, Sonoma Sewer Trunk Extension from Floyd Avenue to Sylvan Avenue and Lakewood Sewer Trunk Extension from Briggsmore Avenue to Sylvan Avenue, might have a significant effect on the environment, and

WHEREAS, the EAC made the findings that this project is within the scope of the Village One Specific Plan, and the Program EIR (SCH. No. 90020181) for the Village One Specific Plan adequately describes the project for the purposes of CEQA (Section 15168, State CEQA Guidelines), and the proposed changes to the project pose no new significant environmental impacts that were not considered in the Program EIR (Section 15162 State CEQA Guidelines), and no substantial changes have occurred which will require important revisions in the Program EIR due to the involvement of new significant environmental impacts not covered in the previous EIR (Section 15162, State CEQA Guidelines), and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, on July 13, 1993, the City Council adopted

and

3. No substantial changes are desired and no new information has become available, regarding the proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 93- 746

Print

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO TRANSFER RESPONSIBILITY FOR CUSTODIAL SERVICE AT THE AIRPORT TO THE PARKS AND RECREATION DEPARTMENT.

WHEREAS, in 1992 the City Council adopted the Public Works and Transportation Department's management audit, and

WHEREAS, the audit included alternative methods for providing security, custodial, and maintenance services to the Airport which include transfer of the responsibility for custodial service to the Parks and Recreation Department in the General fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1993-94 Annual Budget be amended as follows:

GENERAL FUND

Revenue:		
010-700-7000-9631	Transfer in from Fund 631	$23,901.
Appropriations:		
010-350-3512-0110	Salaries and Wages	$25,900.
010-350-3512-0140	Part Time Salaries	$8,400.
010-350-3512-0188	Employee Benefits	$8,601.
010-350-3512-9990	Service Credits	($19,000.)

AIRPORT OPERATIONS FUND

Appropriations:		
631-480-5412-0110	Salaries and Wages	($25,900.)
631-480-5412-0140	Part Time Salaries	($8,400.)
631-480-5412-0188	Employee Benefits	($8,601.)
631-480-5412-0255	Services by City Forces	$19,000.
631-700-7000-7010	Transfer out to Fund 010	$23,901.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney

14

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-747

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO PROVIDE $635,000 IN FUNDING TO THE COUNTY FOR THE LIBRARY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to provide $635,000 in funding to the County for the library

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, MdcClenahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-748

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MCHENRY MUSEUM SOCIETY TO PROVIDE FUNDING FOR PART-TIME MUSEUM AIDE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Museum Society to provide funding for part-time museum aide

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 19 93, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle

NORRINE COYLE, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-749

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FY1993-94 TO PROVIDE FOR FUNDING FOR A PART TIME MUSEUM AIDE BY THE MCHENRY MUSEUM SOCIETY.

WHEREAS, the McHenry Museum Society desires to fund a part time Museum Aide position for the City of Modesto to work nineteen hours per week, and

WHEREAS, the City will be responsible for employment of the Aide and will bill the Society on a quarterly basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the General Fund, Fund No. 010 of the City of Modesto for FY 1993-94.

Revenue

010-360-3612-4085	Salary Reimbursement Agreements	$2,742.

Appropriations

010-360-3612-0140	Part Time Salaries	$2,742.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-750

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Community Development Director

The specifications for the classification of Community Development Director (Range 722), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 28, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

DECEMBER 1993 CITY OF MODESTO
NO.

COMMUNITY DEVELOPMENT DIRECTOR

DEFINITION

To direct, plan, facilitate, review, and be responsible for the activities and operations of the Department for Community Development; to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, and clerical staff.

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

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

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

Select, train, motivate, and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

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

Negotiate and resolve significant and controversial issues; negotiate development agreements with proponents of private development projects.

Confer with public officials, developers, citizen groups, and the general public on matters related to the City's development regulations and policies; serve as a resource for the public.

Provide support to a variety of boards and commissions; attend and participate in professional groups and committees.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff

reports and other necessary correspondence.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern and highly complex principles and practices of planning, housing and community development programs, business development and redevelopment, financing programs, urban planning, real estate, and administration.

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

Principles and procedures of municipal budget preparation and administration.

Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.

Research methods and sources of information related to urban growth and redevelopment.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Ability to:

Organize, direct, and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Analyze economic studies, financial statements, marketing studies, plans, specifications, and bid documents.

Formulate substantive recommendations for community development and financing.

Skillfully represent the agency in all types of contract negotiations.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Prepare and administer a budget.

Analyze organization and operational issues and select proper courses of action.

Administer a variety of ongoing activities which involve complex redevelopment, finance, and urban growth matters.

Communicate clearly and concisely, both orally and in writing; prepare clear, concise, and comprehensive reports, records, correspondence, and other written materials.

Represent the City's interests before other agencies.

Identify and respond to public and City Council issues and concerns.

Establish and maintain effective working relationships with subordinates, City officials, and the public.

Gain cooperation through discussion and persuasion.

Plan, organize, and direct the work of subordinate staff.

Experience and Training:

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

Experience:

Eight years of increasingly responsible community development experience, including economic development, and redevelopment, and including three years of administrative and supervisory responsibility. Experience in managing a public agency with integrated community development functions is highly desirable.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in economics, business administration, public administration, municipal budgeting, urban/regional planning, finance, or a related field. A Master's Degree is highly desirable.

License or Certificate:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-751

A RESOLUTION AMENDING EXHIBIT "M" OF RESOLUTION NO. 91-464 TO AMEND THE CLASS RANGE TABLE TO ADD COMMUNITY DEVELOPMENT DIRECTOR.

WHEREAS, Exhibit "M" of Resolution No. 91-464 has been previously amended by Resolution No. 93-371, and

WHEREAS, the City Council desires to further amend Exhibit "M" of Resolution No. 91-464,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "M" entitled "City of Modesto Class Range Table Executive Management Effective July 2, 1991", attached to Resolution No. 91-464, is hereby amended as shown on the amended Exhibit "M" entitled, "City of Modesto Class Range Table Executive Management Effective December 28, 1993", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "M" adopts class specifications for Community Development Director at range 722.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 28, 1993.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective December 28, 1993

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	3917	4896
704			
705			
706			
707			
708			
709			
710			
711			
712			
713	Economic Development Manager Personnel Director	5013	6267
714			
715	Planning & Comm. Dev. Director	5266	6584
716			
717	Finance Director	5534	6918
718			
719			
720	Parks & Recreation Director Fire Chief	5960	7450

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective December 28, 1993

RANGE	TITLE	MINIMUM	MAXIMUM
721			
722	City Attorney Police Chief Community Development Director	6261	7826
723	Public Works and Transportation Director	6418	8022
724	Deputy City Manager	6578	8222
725			
726			
727			
728	City Manager	7261	9077

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-752

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1993-94 TO PROVIDE PARTIAL YEAR FUNDING FOR ESTABLISHMENT OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WHEREAS, the City of Modesto would benefit from the establishment of a Department of Community Development, and

WHEREAS, the implementation of this reorganization would occur at the beginning of the new fiscal year on July 1, 1994, and

WHEREAS, the City Manager's office needs to recover the intervening costs of recruitment, salary and incidental expenses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the City of Modesto for Fiscal Year 1993-94 as follows:

GENERAL FUND APPROPRIATIONS

010-800-8000-8003	General Fund Contingency Reserve	($40,000.)
010-020-0201-0110	Salaries and Wages	$20,000.
010-020-0201-0188	Employee Benefits	$ 8,000.
010-020-0201-0235	Professional Services	$12,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1993, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 93-753

A RESOLUTION APPOINTING MICHAEL SERPA TO THE PLANNING COMMISSION, AND RE-APPOINTING ROBERT DUNBAR AND C. LYNNE GONZALES TO THE PLANNING COMMISSION

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

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

SECTION 1. The following persons are hereby appointed or reappointed to the Planning Commission for the respective term as indicated:

Michael Serpa
1229 Brighton #210
Modesto, Ca. 95355
(Term to expire 1/1/96)

Robert Dunbar
Term expires: 1/1/98

C. Lynne Gonzales
Term expires 1/1/98

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed and reappointed members of the Planning Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December 199 , by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Boards and Commissions